

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company,)
Liberty Utilities (Central) Co. and Liberty Sub Corp.) Case No. EM-2016-0213
Concerning an Agreement and Plan of Merger and)
Certain Related Transactions.)

**RESPONSE TO APPLICATION TO INTERVENE OF THE LABORERS’
INTERNATIONAL UNION OF NORTH AMERICA**

COME NOW Applicants The Empire District Electric Company (“Empire”), Liberty Utilities (Central) Co., and Liberty Sub Corp. (collectively, “Joint Applicants”) and oppose an Application to Intervene in this case filed on April 14, 2016, by the Laborers’ International Union of North American (“LiUNA”). For the reasons set forth below, the Application to Intervene filed by LiUNA should be denied because it does not meet the standards set forth in Commission’s intervention rule 4 CSR 240-2.075 in that LiUNA fails to state an interest that differs from that of the general public or how its involvement in the case would serve the public interest, as further explained below.

1. LiUNA states that it represents construction workers, government workers, health care providers, industrial employees, service workers and educators.¹ It further states that it has members that reside within “the Missouri service territory and regions impacted by this merger case.”² What LiUNA fails to allege is whether it has a collective bargaining agreement (or any other business relationship) with either Empire or Liberty Utilities (Midstates Natural Gas) Corp., (“Midstates”) representing any of their Missouri employees.³

¹ Application to Intervene, ¶1.

² *Id.*

³ Even if LiUNA *did* represent employees of Midstates, it would be beside the point because Midstates is not a party to this proceeding.

2. Empire has only two collective bargaining agreements currently in place. Those are with the International Brotherhood of Electrical Workers (“IBEW”) Locals 1474 and 1464. Both of those Locals have applied to intervene in this proceeding and Joint Applicants do not oppose the request of either IBEW Local to participate in this case.

3. Although LiUNA alleges in paragraph 2 of its pleading, that it has a “significant interest” in this case and that “its members will be affected by any order entered by the Commission” its Application fails to state any facts in support of this allegation. That is because neither LiUNA nor its members have any interest that will be affected by this case.

4. Specifically, LiUNA has not alleged facts that would show that it has “an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case” as required by Commission rule 4 CSR 240-2.075(3)(A). Similarly, LiUNA has not set forth any explanation for how its intervention and participation in this case would serve the public interest. *See*, 4 CSR 240-2.075(3)(B).

5. The public interest is adequately represented by the Office of the Public Counsel. As such, there is no basis for granting LiUNA status as a party to the proceeding.

WHEREFORE, Joint Applicants request that the Commission deny LiUNA’s Application to Intervene in this proceeding for the reasons aforesaid.

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent via U.S. Mail, postage prepaid, hand-delivery, electronic filing system, or electronically, this 18th day of April, 2016, to the following:

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