

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI**

In the Matter of the Application of	)	<u>File No. EO-2023-0039,</u>
Shannon Barth for Change of Electric	)	<u>EO-2023-0040,</u>
Supplier from City of Butler to Osage	)	<u>EO-2023-0041,</u>
Valley Electric Cooperative,	)	<u>EO-2023-0042,</u>
	)	<u>EO-2023-0043,</u>
<i>et al.</i> ¹	)	<u>EO-2023-0044,</u>
	)	<u>EO-2023-0045,</u>
	)	<u>EO-2023-0046,</u>
	)	<u>EO-2023-0047,</u>
	)	<u>EO-2023-0048,</u>
	)	<u>EO-2023-0049,</u>
	)	<u>EO-2023-0051,</u>
	)	<u>EO-2023-0063,</u>
	)	<u>EO-2023-0064</u>

STAFF’S RESPONSE TO OPC’S MOTION TO CONSOLIDATE

COMES NOW Staff for the Public Service Commission (“Staff”) and, files this response in support of the Office of Public Counsel’s (“Public Counsel” or “OPC”) *Motion to Consolidate*, and states the following.

1. The Commission should consolidate the above-captioned cases under Commission Rule 20 CSR 4240-2.110(3) because the cases involve related questions of law and fact.²

2. Change of supplier cases involving a change from a municipal electric service provider to another electric service provider are governed by Section 91.025, RSMo (Cum. Supp. 2021).

¹ For purposes of brevity, the remaining case captions are included in an attachment at the end of this pleading.
² *Order Consolidating Cases, WA-2007-0201, In the Matter of the Application of Oakview Water and Sewer Co., LLC* (Dec 4, 2006).

3. On August 8, 2022, fifteen (15) individuals filed a request for a change of electric supplier from the City of Butler, Missouri (“City of Butler”) to the Osage Valley Electric Cooperative Association (“Osage Valley”).³

4. For the cases captions above, all fourteen (14) Applicants allege that they are residents of or own property and anticipate becoming residents of the Evergreen Estates subdivision located outside the city limits of the City of Butler. The applicants each identify the City of Butler as their current electric provider, and Osage Valley as their desired electric service provider for electric service received within the Evergreen Estates subdivision.

5. Each of the applicants identified above submitted an identical or substantially identical signed “petition with signatures” document with their respective applications.

6. The Commission assigned the individual homeowners File Nos. EO-2023-0039, EO-2023-0040, EO-2023-0041, EO-2023-0042, EO-2023-0043, EO-2023-0044, EO-2023-0045, EO-2023-0046, EO-2023-0047, EO-2023-0048, EO-2023-0049, EO-2023-0051, EO-2023-0063, and EO-2023-0064⁴.

7. Each Applicant alleges that their residence is located outside of the city limits.

8. Each Applicant raised concerns that new residents of Evergreen Estates have been unable to establish electric service from the City of Butler.

³ This pleading seeks consolidation of fourteen (14) cases captioned above. It does not address EO-2023-0050, the docket in which the Commission issued a Notice of Deficiency, stating it will not address the application without an address to which the parties can serve the Applicant. If the deficiency is cured, Staff anticipates requesting EO-2023-0050 be consolidated into EO-2023-0039.

⁴ As noted above, if the individual applicant in EO-2023-0050, cures the address deficiency, Staff anticipates requesting EO-2023-0050 also be consolidated into EO-2023-0039.

9. Accordingly, there are common questions of law and fact in the above-referenced cases, and their consolidation, with case EO-2023-0039 as the lead case, would be administratively expedient and simplify these proceedings.

10. Alternatively, Staff requests the Commission to consolidate the identified cases for hearing and discovery purposes.

11. Staff has contacted 6 of the Applicants identified above. Of the Applicants Staff has been able to contact, none have opposed consolidation, and several of the Applicants believed the cases were already consolidated.

12. Staff has also contacted the attorneys for the City of Butler and Osage Valley, and both support Staff's motion in support of OPC's *Motion to Consolidate*.

WHEREFORE, Staff supports the Office of the Public Counsel's requested consolidation. Staff also request a Commission order consolidating File Nos. EO-2023-0039, EO-2023-0040, EO-2023-0041, EO-2023-0042, EO-2023-0043, EO-2023-0044, EO-2023-0045, EO-2023-0046, EO-2023-0047, EO-2023-0048, EO-2023-0049, EO-2023-0051, EO-2023-0063, and EO-2023-0064 into EO-2023-0039.

Respectfully submitted,

/s/ Eric Vandergriff

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record on this 20th day of September, 2022.

/s/ Eric Vandergriff

1.	In the Matter of the Application of Janet Castrogiovanni for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0040</u>
2.	In the Matter of the Application of Kathy Castrogiovanni for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0041</u>
3.	In the Matter of the Application of David Crist for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0042</u>
4.	In the Matter of the Application of Roger Farrell for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0043</u>
5.	In the Matter of the Application of James and Cathy Loomis for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0044</u>
6.	In the Matter of the Application of Brent and Melody Mullins for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0045</u>
7.	In the Matter of the Application of Brian and Anna Shrock for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0046</u>
8.	In the Matter of the Application of Michael and Elizabeth Taranto for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0047</u>
9.	In the Matter of the Application of Todd and Antionette Allen for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0048</u>
10.	In the Matter of the Application of Wayne and Jenny Vermillion for Change of Electric Supplier from City of Butler to Osage Valley Electric Cooperative))))	<u>EO-2023-0049</u>

11.	In the Matter of the Application of Chance) and Shanya Hedrick for Change of) Electric Supplier from City of Butler to) Osage Valley Electric Cooperative)	<u>EO-2023-0051</u>
12.	In the Matter of the Application of Shane) and Nicole McCoun for Change of) Electric Supplier from City of Butler to) Osage Valley Electric Cooperative)	<u>EO-2023-0063</u>
13.	In the Matter of the Application of Matt) and Karen Cochran for Change of Electric) Supplier from City of Butler to Osage) Valley Electric Cooperative)	<u>EO-2023-0064</u>