

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

In the Matter of the Application of Citizens Electric)
Corporation for an Order Authorizing the Sale) **File No. EM-2019-0212**
of Certain Electric Transmission Facilities)

MOTION TO INTERVENE

COMES NOW Wabash Valley Power Association, Inc. ("Wabash"), by its undersigned counsel, and pursuant to 4 CSR 240-2.075, hereby files its Motion to Intervene in this case. In support of this Motion, Wabash states as follows:

1. Wabash is an Indiana not for profit cooperative corporation organized and existing under the laws of the State of Indiana for the purpose of supplying electric energy in rural areas. Wabash is engaged in the transmission of electric energy over its power lines in Indiana, Illinois and Missouri. Wabash has registered with the Missouri Secretary of State as a foreign corporation authorized to conduct business in Missouri.
2. Wabash's principal office is located at 6702 Intech Blvd., Indianapolis, IN 46278
3. Correspondence, communications, orders and decisions in regard to this Motion should be directed to:

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4. Wabash has no pending action or final unsatisfied judgment or decisions against it from any state or federal agency or court, which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of

this application. Wabash does not have any annual reports or assessment fees that are overdue.

5. On June 25, 2019, Citizens Electric Corporation filed its Application for Order Authorizing Sale of Certain Electric Transmission Facilities Or, In the Alternative, An Order Dismissing This Application for Lack of Jurisdiction. (“Citizens’ Application”).
6. Wabash is implicated in the current case as the sale of assets referenced above was a transaction between Citizens and Wabash.
7. On June 26, 2019, the Commission issued its *Order Directing Notice, Setting Deadline for Intervention Requests, and Directing Filing of Staff Recommendation*. The order established a deadline of July 11, 2019 to intervene.
8. On July 26, 2019, Staff filed a Motion for Additional Time to File Staff Recommendation which was granted by Order of the Commission on August 7, 2019. The Commission granted Staff until October 15, 2019 to file its recommendation.
9. On October 15, 2019, Staff filed its Response to Commission Order Directing Filing of Staff Recommendation.
10. Pursuant to 4 CSR 240-2.075(10), Motions to Intervene filed after the intervention date may be granted upon a showing of good cause. Wabash is filing this Motion to Intervene in response to Staff’s Recommendation which was filed after the intervention deadline.

11. Wabash seeks intervention to address a concern with Staff's Recommendation asserting that Wabash should be treated as a RSMo 351 Corporation for purposes of Commission Jurisdiction. (Staff's Recommendation, ¶ 24).
12. Wabash asserts that due to operation of RSMo 394.200, Wabash as a generation and transmission cooperative with power lines in the state of Illinois should be treated as a RSMo 394 Rural Electric Cooperative, and not as a RSMo 351 corporation, for purposes of Commission jurisdiction.
13. On October 22, 2019, undersigned counsel for Wabash spoke with Staff Counsel and discussed these jurisdictional concerns. Staff asserted that they were previously unaware of the application of RSMo 394.200 to this case and do not oppose an intervention by Wabash to address this jurisdictional issue.
14. Due to the jurisdictional implications as outlined in Staff's Recommendation, Wabash has an interest in this matter which is different from that of the general public and which may be adversely affected by a final order arising from this case.
15. For the reasons stated above, granting the instant Application to Intervene would serve the public interest.
16. Pursuant to 4 CSR 240-2.075, Wabash states that it does not oppose Citizens' Application.
17. Pursuant to 4 CSR 240-2.075(10), Wabash states it accepts the record established in this case, including the requirements of all orders of the Commission, as of the date of filing this Motion to Intervene.

18. Wabash refers the Commission to its Response to Staff's Recommendation, attached hereto as Exhibit A, and incorporates said Response as if fully set forth herein.

WHEREFORE, Wabash respectfully requests that the Missouri Public Service Commission grant this Motion to Intervene and make Wabash a party to this proceeding.

Respectfully submitted,

/s/ Megan E. Ray

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Application was served by electronic mail or U.S. Mail, postage prepaid, this 25th day of October, 2019 upon the following:

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/s/ Megan E. Ray