

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of South Central )  
MCN LLC for Approval of Transfer of Assets and )  
a Certificate of Convenience and Necessity )  
)

File No. EA-2016-0036

MOTION FOR ANY NECESSARY LEAVE TO FILE  
ADDITIONAL SUPPLEMENTAL DIRECT TESTIMONY  
OF EDWARD M. RAHILL

**COMES NOW** South Central MCN, LLC (SCMCN), by and through counsel, and pursuant to 4 CSR 240.130(8), hereby requests leave to file the additional supplemental direct testimony of SCMCN witness Edward M. Rahill submitted concurrently with this Motion . In support, SCMCN states as follows:

1. On August 19, 2015, SCMCN filed its Application for Approval of Transfer of Assets and a Certificate of Convenience and Necessity. Attached as **Appendix A** to the Application was a copy of the Asset Purchase Agreement (APA), where the City of Nixa agrees to sell certain transmission assets it owns to SCMCN.
2. On August 21, 2015, SCMCN filed the Direct Testimony of Edward M. Rahill.
3. On December 10, 2015, the parties<sup>1</sup> filed their "Parties' Jointly Proposed Procedural Schedule," which provided that SCMCN would file additional direct testimony by December 10, 2015.
4. On December 10, 2015, SCMCN filed the Supplemental Direct Testimony of Edward M. Rahill (NP and HC).
5. Mr. Rahill's supplemental direct testimony included **Exhibit No. EMR-8**, an Amended APA, which reflected an increase in the purchase price to recognize the full value of the real estate included in the Assets.

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<sup>1</sup> The parties to the motion were SCMCN, City of Nixa, City Utilities of Springfield Missouri, and the Office of the Public Counsel, which are all the parties in this proceeding.

6. SCMCN and the City of Nixa have agreed to a Second Amended APA. In this Second Amended APA, SCMCN and the City of Nixa have (1) agreed that any provisions of the Agreement creating an obligation for SCMCN to reimburse the City of Nixa for certain transmission charges are no longer necessary; (2) agreed to modify the conditions to Closing set forth in the Agreement; and (3) agreed to modify the rights of the Parties to terminate the Agreement under certain circumstances. The Second Amended APA is attached to Mr. Rahill's Additional Supplemental Direct testimony as ***Exhibit No. EMH-1***.

7. SCMCN requests leave to file this supplemental direct testimony pursuant to 4 CSR 240-2.130(8). Leave, if the Commission believes it is required, should be granted because granting leave is entirely consistent with the purpose of requiring the pre-filing of testimony in the first place. That is, as the Commission recognizes, to give parties "notice of the claims, contentions, and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing." *See, e.g., In the Matter of Laclede Gas Company*, Case No. GT-2003-0032 (Order dated Aug. 29, 2002). Supplementation serves those purposes.

WHEREFORE, SCMCN hereby requests leave to file the additional supplemental direct testimony of Edward M. Rahill on this date in this docket, and for such other and further relief the Commission deems proper under the circumstances.

Dated: February 18, 2016

Respectfully submitted,

/s/ Terry M. Jarrett  
Terry M. Jarrett, Missouri Bar #45663  
Husch Blackwell, LLP  
235 East High Street, P.O. Box 1251  
Jefferson City, MO 65101-3206  
Phone: (573) 761-1116  
Fax: (573) 634-7854  
Email: [terry.jarrett@huschblackwell.com](mailto:terry.jarrett@huschblackwell.com)

Lowell Pearson, Missouri Bar #46217  
Husch Blackwell LLP  
235 East High Street, P.O. Box 1251  
Jefferson City, MO 65101-3206  
Phone: (573) 761-1115  
Fax: (573) 634-7854  
Email: [lowell.pearson@huschblackwell.com](mailto:lowell.pearson@huschblackwell.com)

Kyle C. Barry, Illinois Bar #6228810  
(admitted pro hac vice)  
Alison M. Nelson, Missouri Bar #58004  
Husch Blackwell LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105-3433  
Phone: (314) 480-1592  
Fax: (314) 480-1505  
Email: [kyle.barry@huschblackwell.com](mailto:kyle.barry@huschblackwell.com)  
Email: [ali.nelson@huschblackwell.com](mailto:ali.nelson@huschblackwell.com)

### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 18<sup>th</sup> day of February, 2016.

/s/ Terry M. Jarrett  
Terry M. Jarrett