

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

WAIVER OF HEARING AND MOTION TO WITHDRAW
MOTION FOR SUMMARY DISPOSITION

COMES NOW City of Springfield, Missouri, by and through its Board of Public Utilities (hereinafter City Utilities), pursuant to 4 CSR 240-2.080 and submits its Waiver of Hearing and Motion to Withdraw Its Motion for Summary Disposition, and in support of this Motion states as follows:

1. On August 19, 2015, South Central MCN LLC (SCMCN) filed its application for a certificate of convenience and necessity (Application) with the Commission pursuant to Section 393.170 RSMo. authorizing SCMCN to own and operate an existing set of transmission lines (the Nixa Assets).
2. On October 30, 2015, City Utilities filed its Motion to Intervene in this proceeding. On November 10, 2015, the Commission entered an Order granting intervention to City Utilities.
3. On December 22, 2015, the Commission entered its Order Setting Schedule and Terms of Discovery in this proceeding.
4. On February 10, 2016, the Commission entered its Order Granting Motion for Partial Disposition, determining that the Commission lacks jurisdiction under Section 393.190 RSMo. over the transaction that is the subject of SCMCN's Application (the Transaction).
5. On February 12, 2016, City Utilities filed its Motion for Summary Disposition, seeking dismissal of SCMCN's application on the grounds that it failed to comply with the requirements of Section 393.170.2 RSMo. and 4 CSR 240-3.105(1)(D) and (2) to establish the consent of the appropriate municipal authorities, namely City Utilities, to service or facilities sought to be certificated.

6. On February 19, 2016, SCMCN sought a suspension of the procedural schedule in order for the parties to pursue settlement negotiations, which CU and Nixa supported. On that same date, the Commission entered its Order Suspending Schedule.

7. On April 28, 2016, SCMCN, City Utilities and City of Nixa entered a Settlement Agreement by which the parties agreed to, in relevant part, accept a condition to any certificate of convenience and necessity granted by the Commission in this proceeding that conditions closing of the Transaction on placement of the Nixa Assets into the Southwestern Power Administration (SWPA) pricing zone (Zone 10), under the Southwest Power Pool, Inc. (SPP) open access transmission tariff, rather than the City Utilities pricing zone (Zone 3), as originally proposed.

8. As a result of the terms as set forth in the Settlement Agreement between the Parties, filed in this proceeding and incorporated herein by reference, City Utilities has determined that the Transaction, as modified, will not have any negative impact on City Utilities or its customers.

9. This Motion is conditioned on Commission approval of the Settlement Agreement, and should the Commission not accept without modification acceptable to City Utilities the terms of the Settlement Agreement, this Motion is withdrawn, null and void.

10. City Utilities therefore wishes to withdraw its motion for summary disposition, subject to the conditions and provisions set forth in this Motion and the Settlement Agreement, and to waive any evidentiary hearing on SCMCN's Application, as provided in the Settlement Agreement.

11. SCMCN and the City of Nixa have no objection to this Motion.

WHEREFORE, City Utilities respectfully requests the Commission to grant this Motion and allow it to withdraw its pending motion for summary disposition and to waive any evidentiary hearing on SCMCN's Application in this proceeding.

Dated: May 3, 2016.

Respectfully submitted,

/s/ John P. Coyle

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**ATTORNEYS FOR CITY UTILITIES OF
SPRINGFIELD**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of City Utilities' First Set of Data and Discovery Requests to South Central MCN, LLC was sent to the following parties via () U.S. Mail, postage prepaid, () facsimile, (x) electronic transmission, and/or () hand delivering this 3rd day of May, 2016:

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