

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

In the Matter of Entergy Arkansas, Inc.'s)
Notification of Intent to Change Functional)
Control of Its Missouri Electric Trans-)
mission Facilities to the Midwest)
Independent Transmission System)
Operator, Inc., Regional Transmission)
System Organization or Alternative)
Request to Change Functional Control)
and Motions for Waiver and Expedited)
Treatment.)

Case No. EO-2013-0431

STAFF'S MOTION FOR CORRECTION NUNC PRO TUNC

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and hereby moves the Commission for a correction *nunc pro tunc* to its *Report and Order* issued herein on October 9, 2013, and effective on November 8, 2013, as follows:

1. On page 10 of its *Report and Order*, the Commission states its 7th conclusion of law, as follows: "The Staff of the Commission is represented by the Commission's Staff Counsel, an employee of the Commission authorized by statute to 'represent and appear for the commission in all actions and proceedings involving this or any other law [involving the commission.],'” citing in note 36 to § 386.071, RSMo., as authority for the conclusion.

2. In fact, § 386.071, RSMo., does not pertain to the Staff Counsel but rather to the General Counsel of the Commission:

The public service commission may appoint and fix the compensation of a general counsel to serve at the pleasure of the commission. He shall be an attorney at law and shall have resided in this state prior to his* appointment. It shall be the duty of the general counsel for the commission to represent and appear for the commission in all

actions and proceedings involving any question under this or any other law, or under or in reference to any act, order, decision or proceeding of the commission, and if directed to do so by the commission, to intervene, if possible, in** any action or proceeding in which any such question is involved; to commence and prosecute in the name of the state all actions and proceedings, authorized by law and directed or authorized by the commission, and to expedite in every way possible, to final determination all such actions and proceedings; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him.

3. The activities of the Staff Counsel are authorized not by statute, but by Commission Rule 4 CSR 240-2.040(1): "The staff counsel represents the commission staff in investigations, contested cases, and other proceedings before the commission."

WHEREFORE, Staff prays that the Commission will correct its *Report and Order nunc pro tunc* as described herein; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

s/ Kevin A. Thompson
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Attorney for Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by First Class United States Mail, postage prepaid, on this **9th day of October, 2013**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case, a copy of which is attached hereto and incorporated herein by reference.

s/ Kevin A. Thompson