

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

In the Matter of the Application of KCP&L )  
Greater Missouri Operations Company for )  
Approval of a Special Incremental Load )  
Rate for a Steel Production Facility )  
In Sedalia Missouri. )

**Case No. EO-2019-0244**

**MOTION TO DISMISS PURPORTED PARTY**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and hereby moves the Commission to dismiss from this proceeding the Midwest Energy Consumers Group (“MECG”); in support of which *Motion*, Staff states:

1. This matter arose on July 12, 2019, when KCP&L Greater Missouri Operations Company filed its *Application* for authority to serve Nucor, a steel producer, pursuant to a special incremental load rate under its proposed SIL Tariff.

2. On the same day, the Commission issued its *Order Directing Notice, Establishing Time To Intervene, And Scheduling A Procedural Conference*.

3. On July 22, 2019, MECG filed its *Application to Intervene*, stating that it “is an incorporated association representing the interests of large commercial and industrial users of electricity” and “[a]s a group of large commercial and industrial customers of KCPL-GMO, MECG’s interest in this case is different than that of the general public.”

4. The Commission’s rule on intervention at 20 CSR 4240-2.075 provides:

(3) The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

5. It is true that, according to the records of the Missouri Secretary of State, MCEG is a Missouri mutual benefit corporation in good standing, incorporated on July 15, 2016, by David Woodsmall. Its registered agent is, and has always been, David Woodsmall. Mr. Woodsmall is also its President, its Secretary, and one of its three directors. The other two directors are Brad Woodsmall and Matt Kohly.

6. It is also true that MCEG, from time-to-time, has represented the interests of certain large commercial and industrial users of electricity. However, Staff doubts that MCEG is actually doing so in the present case. Staff asserts that Mr. Woodsmall is representing only the interest of MCEG, a Missouri mutual benefit corporation that is not even a customer of GMO, and that is effectively no more than Mr. Woodsmall's *alter ego*.

7. If MCEG does not actually represent "the interests of large commercial and industrial users of electricity," then its *Application to Intervene* was misleading and, in that case, MCEG is not entitled to intervention in this matter and should be dismissed because it has no interest in this matter that can be adversely affected and its intervention does not serve the public interest.

8. If Staff is mistaken and MCEG in fact represents "the interests of large commercial and industrial users of electricity," then Staff urges the Commission to require Mr. Woodsmall and MCEG to identify the specific large commercial and industrial users of electricity represented, so that the real parties in interest to this matter are known and Staff can pursue discovery from them.

9. To allow the real parties in interest to meddle in this case anonymously, hidden behind the screen of this incorporated association, works a very real denial of the

Due Process rights of every other party to this case. If Mr. Woodsmall and MCEG are truly representing the interests of “large commercial and industrial users of electricity,” then the other parties litigant have a manifest right to discover those interests and, where adverse, to contest them.

**WHEREFORE**, Staff prays that the Commission will dismiss MCEG as a party in this matter, or alternatively, will require MCEG to disclose the identities of the “large commercial and industrial users of electricity” whose interests it purports to represent; and grant such other and further relief as is just in the premises.

Respectfully submitted.

**/s/ Kevin A. Thompson**

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### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was served electronically upon all parties of record or their representatives pursuant to the Service List maintained for this case by the Commission’s Data Center on this 24<sup>th</sup> day of September, 2019.

**/s/ Kevin A. Thompson**