



As stated in its Application to Intervene, LiUNA's intervention would meet both conditions.

2. The Joint Applicant's Response cites no authority for the implication that only those labor unions which currently have a collective bargaining agreement with Empire District Electric Company ("Empire") may properly intervene in this case. Such an unwarranted distinction would unfairly deny LiUNA its constitutional due process right to participate in this manner. While LiUNA does not currently have a collective bargaining agreement with Empire, the utility may have unorganized employees with the type of skills that LiUNA does organize, and with whom LiUNA may wish to organize in the future. Allowing the intervention of IBEW Locals, while denying intervention to LiUNA in the same case, would also constitute patent discrimination and violate federal and state guarantees of equal protection.<sup>2</sup>

3. Moreover, LiUNA and its members have significant connections to the operations of the regulated monopoly utility operations of Empire, including past and potential future contracting relationships. LIUNA signatory employers have had labor contracts with Empire in the past, and LIUNA members have worked on those projects. LiUNA receives notices of potential jobs from contractors working at Empire facilities. Pursuant to 4 CSR 240-2.075(3)(B), it would serve the public interest to allow LiUNA to intervene in this merger case, in order to allow LiUNA to explore the potential impact that the proposed merger transactions would have upon the availability of employment at Empire facilities, and under what terms.

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<sup>2</sup> Fourteenth Amendment of the United States Constitution; Article One, Section 2 of the Missouri Constitution.

4. Moreover, pursuant to 4 CSR 240-2.075(3)(A), LiUNA’s interest in the future employment status of its members at Empire facilities, and in the conditions of that future employment, constitutes an interest that is “different from that of the general public interest”.<sup>3</sup> While the Office of the Public Counsel (“Public Counsel”) represents the “interests of the public” broadly<sup>4</sup>, that office has traditionally focused its representation primarily on the impact to the ratepayers of regulated utilities, and the courts have recognized this primary focus. Public Counsel would not be able to adequately represent LiUNA’s interests, while simultaneously representing the interests of Empire consumers in this merger case.

WHEREFORE, LiUNA respectfully requests that the Commission grant its Application to Intervene, entitling it to fully participate in this proceeding.

Respectfully submitted,

/s/ John B. Coffman

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John B. Coffman MBE #36591  
John B. Coffman, LLC  
871 Tuxedo Blvd.  
St. Louis, MO 63119-2044  
Ph: (573) 424-6779  
E-mail: [john@johncoffman.net](mailto:john@johncoffman.net)

Attorney for LiUNA

Dated: April 19, 2016

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<sup>3</sup> Ibid.

<sup>4</sup> 386.710.1(2) RSMo.

## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list of this case at the Missouri Public Service Commission, including the following, on this 19<sup>th</sup> day of April 2016.

/s/ John B. Coffman

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