

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

In the Matter of the Application of Citizens Electric Corporation for an Order Authorizing the Sale of Certain Electric Transmission Facilities)	
)	
)	<u>File No. EM-2019-0212</u>

MOTION FOR ADDITIONAL TIME TO FILE STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through Staff Counsel's Office, and files its *Motion For Additional Time To File Staff Recommendation*. Staff herein requests until Tuesday, October 15, 2019, to file its recommendation. In support thereof, Staff states as follows:

1. On January 17, 2019, Citizens Electric Corporation ("Citizens") filed with the Commission a *Notice Of Intended Case Filing* establishing File No. EM-2019-0212. Citizens stated that it was giving notice that it may file an application seeking an Order from the Commission pursuant to Section 393.190 RSMo. authorizing the sale of certain electric transmission facilities. Citizens also related in its filing that pursuant to the Commission's October 19, 2004, Order in Case No. ED-2004-0223, it provided through a letter dated November 26, 2018, to the General Counsel to the Commission and the General Counsel to the Office of the Public Counsel notice of the sale of certain electric transmission facilities. Finally, Citizens noted that on December 12, 2018, the matter of the sale of the electric transmission facilities was discussed in an in-person meeting with members of Staff and Staff Counsel's Office.

2. On June 25, 2019, Citizens filed its *Application For Order Authorizing Sale Of Certain Electric Transmission Facilities Or, In The Alternative, An Order Dismissing This Application For Lack Of Jurisdiction*. The Application states that Citizens entered into a Facility Purchase Agreement with Wabash Valley Power Association, Inc.

("Wabash"), an Indiana nonprofit corporation with its principal offices located at 722 N. High School Road Indianapolis, Indiana 46214 for the sale of certain 34.5 kV, 69 kV, and 138 kV transmission lines, substation equipment and other related items. On June 26, 2019, the Commission issued an *Order Directing Notice, Setting Deadline For Intervention Requests, And Directing Filing Of Staff Recommendation*. The Order directed that no later than July 26, 2019, the Staff should file a recommendation or a request for additional time, regarding the Citizens Application.

3. Pursuant to Section 393.110.2, the Commission has no jurisdiction over the rates, financing, accounting, or management of Citizens. Nonetheless, Citizens is still an electrical corporation subject to Sections 386.310.1, 393.106, 386.800, 393.170, and 394.312. On July 11, 2019, Governor Michael L. Parson signed into Law effective August 28, 2019, House Bill 355, which, among other things, amends Section 386.020(15), the definition of "electrical corporation" to exclude the following entities:

The term "electrical corporation" shall not include:

- (a) Municipally owned electric utilities operating under chapter 91;
- (b) Rural electric cooperatives operating under chapter 394;
- (c) Persons or corporations not otherwise engaged in the production or sale of electricity at wholesale or retail that sell, lease, own, control, operate, or manage one or more electric vehicle charging stations;

House Bill 355 did not change the Commission's jurisdiction respecting Section 393.110.2 entities such as Citizens.

4. Staff has commenced submitting discovery to Citizens in the form of Data Requests and believes that Citizens' responses may result in follow-up

Data Requests from Staff. Citizens has not requested expedited treatment in the processing of its June 25, 2019, Application or an Order from the Commission by a certain date granting the requested authority or finding the Commission is without jurisdiction. Also due to the presence of other pending cases with statutory time requirements, Staff requests until Tuesday, October 15, 2019, to file its recommendation.

WHEREFORE Staff requests until Tuesday, October 15, 2019, to file its recommendation regarding Citizens' June 25, 2019, *Application For Order Authorizing Sale Of Certain Electric Transmission Facilities Or, In The Alternative, An Order Dismissing This Application For Lack Of Jurisdiction.*

Respectfully submitted,

/s/ Steven Dottheim

Steven Dottheim, Mo. Bar No. 29149
Chief Deputy Staff Counsel
E-mail: steve.dottheim@psc.mo.gov
Phone: 573-751-7489
Fax: 573-751-9285

Attorney for Staff of the
Missouri Public Service Commission
P. O. Box 360
200 Madison St., Ste. 800
Jefferson City, MO 65102

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Staff Response To Commission Order Directing Filing has been transmitted electronically to all counsel of record this 26th day of July, 2019.

/s/ Steven Dottheim