

In the Matter of:

THE APPLICATION OF CITIZENS ELECTRIC CORPORATION, etc.

EM-2019-0212, VOL. I

November 12, 2019



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PROCEDURAL CONFERENCE

November 12, 2019

Jefferson City, Missouri

Volume 1

In The Matter Of The Application) File No.
Of Citizens Electric Corporation) EM-2019-0212
For An Order Authorizing The Sale)
Of Certain Electric Transmission)
Facilities)

CHARLES HATCHER, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
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P R O C E E D I N G S

JUDGE HATCHER: Let's go on the record. Good morning. Today is November 12, 2019 at just before 10:00 a.m. The Commission has set this time for a Procedural Conference regarding the file In The Matter Of The Application Of Citizens Electric Corporation For An Order Authorizing The Sale Of Certain Electric Transmission Facilities. That is File No. EM-2019-0212.

My name is Charles Hatcher. I'm the Regulatory Law Judge assigned to this case.

Let's go ahead and have counsel for the parties and the intervenors make their entry of appearance. Citizens Electric Corporation.

MR. SPORLEDER: Andrew Sporleder for Citizens Electric Corporation.

JUDGE HATCHER: And Wabash Valley Power Association, Incorporated.

MS. RAY: Megan Ray.

JUDGE HATCHER: Staff counsel.

MR. DOTTHEIM: Steven Dottheim and Jamie Myers, PO Box 360, Jefferson City, Missouri, 65102.

JUDGE HATCHER: Thank you, Mr. Dottheim. And the Office of the Public Counsel has communicated with the Commission their desire to be excused from today's hearing and they are so excused.

1 My understanding of the case is that Citizens
2 sold some of their plant to Wabash and Citizens has
3 asked for basically permission or a decision that we
4 don't have jurisdiction.

5 MR. SPORLEDER: Well, we've asked for two
6 things I guess or on the alternative. Authorization
7 pursuant to RSMo. 390.190 or in the alternative that the
8 Commission lacks jurisdiction over this sale to
9 authorize the sale.

10 JUDGE HATCHER: Okay. And at that point Staff
11 recommended approval of the sale establishing that they
12 do have jurisdiction and set forth a handful of
13 conditions. At that point Wabash, one of the conditions
14 may have been indirectly tied to Wabash, Wabash sought
15 to intervene and established or questioned their own
16 jurisdictional argument. Is that the basic
17 understanding?

18 MR. DOTTHEIM: Yes.

19 JUDGE HATCHER: I don't want to get very deep
20 in the weeds.

21 MR. DOTTHEIM: Okay.

22 JUDGE HATCHER: What is Staff's aim at the end
23 of this case?

24 MR. DOTTHEIM: Staff's aim at the end of the
25 case is to establish that agreement with both Citizens

1 and Wabash regarding the transfer of the -- transfer of
2 facilities as having been not detrimental to the public
3 interest. The Staff's aim is to do that in a manner
4 that may be able to address in some degree the question
5 in dispute regarding jurisdiction.

6 JUDGE HATCHER: Okay. That was a little bit
7 of a tangential question on my part. I apologize for
8 that. This is an already consummated sale?

9 MR. DOTTHEIM: Yes.

10 MR. SPORLEDER: Yes.

11 JUDGE HATCHER: And I know of no law date
12 that's in effect.

13 MR. DOTTHEIM: Operation of law date, is that
14 what you're referring to?

15 JUDGE HATCHER: Yes. So I don't know of any
16 reason to rush, and I'm looking to the parties to see if
17 they have any objections or opposing thoughts. My first
18 thought was giving 45 days for a status report. That 45
19 days falls -- don't write it down -- falls on December
20 27, which is right in the middle of several holidays and
21 celebrations. So I thought of a 60-day deadline just to
22 give a status report. That falls on January 11 which is
23 a Saturday. So let's go with a 59-day status report.
24 January 10, 2020, is that acceptable for all parties?

25 MS. RAY: Yes.

1 MR. SPORLEDER: Yes.

2 MR. DOTTHEIM: Yes.

3 JUDGE HATCHER: A joint filed very brief
4 status report is all I'm looking for. Are there any
5 other issues for a procedural conference before I take
6 leave? And for parties that may not practice in front
7 of the Commission, what will happen now -- often what
8 will happen is we will end the on-the-record portion of
9 the procedural conference, myself and the reporter will
10 leave the room and you all will discuss to your heart's
11 content all types of matters. Is there anything that
12 I'm missing before we wrap up? Mr. Dottheim, I'm
13 relying on your experience here.

14 MR. DOTTHEIM: No.

15 JUDGE HATCHER: Then I think we've covered
16 everything. Hearing no other issues, let's go off the
17 record.

18 MS. RAY: Thank you.

19 MR. SPORLEDER: Thank you.

20 (Off the record.)
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