

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

In the Matter of the Application of)
Pro Builders since 1994 LLC)
for Change of Electric Supplier)

File No. EO-2019-0061

**ORDER DIRECTING NOTICE, ADDING PARTIES, AND
DIRECTING RESPONSES TO APPLICATION**

Issue Date: October 2, 2018

Effective Date: October 2, 2018

On September 4, 2018, Pro Builders since 1994 LLC filed an application with the Missouri Public Service Commission requesting that its electric supplier be changed from Kansas City Power & Light Company to Platte-Clay Electric Cooperative, Inc. On September 6, 2018, the Commission issued a *Notice of Deficiency*, and on September 28, 2018, Pro Builders since 1994 LLC filed a corrected application.

The Commission will direct its Data Center to send notice of the application to Kansas City Power & Light Company and Platte-Clay Electric Cooperative, Inc. Because they are necessary parties, Kansas City Power & Light Company and Platte-Clay Electric Cooperative, Inc. will be joined as parties to this proceeding and will be directed to file responses to the application. The Commission will also direct the Staff of the Commission to file a recommendation.

THE COMMISSION ORDERS THAT:

1. The Data Center of the Missouri Public Service Commission shall send this order, with a copy of the application, to Kansas City Power & Light Company and Platte-Clay Electric Cooperative, Inc.

2. Kansas City Power & Light Company and Platte-Clay Electric Cooperative, Inc. are made parties to this proceeding and shall each file a response to the application no later than November 1, 2018.

3. The Staff of the Commission shall file its recommendation no later than November 1, 2018.

4. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 2nd day of October, 2018.

SHANE E. BARTEE
ATTORNEY AND COUNSELOR AT LAW

421 MAIN STREET
WESTON, MISSOURI 64098

(816) 386-4025
SEBARTEE@OUTLOOK.COM

September 26, 2018

Public Service Commission
State of Missouri
Staff Counsel Department
200 Madison Street
Suite 800
P.O. Box 360
Jefferson City, Missouri 65102

Re: File No. EO-2019-0061; In the Matter of the Application of Ryan T. Propheter and Pro Builders since 1994, LLC

Dear Commission:

In accordance with your Notice of Deficiency dated September 6, 2018, Mr. Ryan Propheter has engaged my services to represent him in his application to the Commission for a change of electric service provider.

Mr. Propheter owns and operates Pro Builders Since 1994, LLC, (hereinafter "Pro Builders") a single-member limited liability company. Mr. Propheter wishes to open a custom cabinet shop on a property he recently purchased with this end in mind. This property is technically owned by Pro Land Company, LLC, also a single-member limited liability company owned and operated by Mr. Propheter.

As his application states, Mr. Propheter must upgrade the property to include sPhase 3 power for his business. Upon investigating and initiating the change, Mrnd Propheter learned that the property's current provider, Kansas City Power and Light, cannot do so without an investment of more than \$23,000.00. This expense is virtually cost-prohibitive for a small business like Mr. Propheter's. His request is not related to a rate differential, satisfying the concern set-forth in RSMo § 393.106.

Fortunately, this property lies in an area also serviced by Platte-Clay Electric. Platte-Clay Electric can provide the Phase 3 power at roughly one-fifth the cost to Mr. Propheter. Should this change be made, there will be no detrimental effects to the current or proposed electric providers and there will be no detrimental effects to any property owners, businesses, or residents in the area.

A change of electric providers is cost-efficient and a judicious use of resources. It will also be of minimal impact to the area during the change and it will allow Mr. Propheter to operate his business on the property as he intended when he purchased the property.

SHANE E. BARTEE
ATTORNEY AND COUNSELOR AT LAW

421 MAIN STREET
WESTON, MISSOURI 64098

(816) 386-4025
SEBARTEE@OUTLOOK.COM

*Continuation; In The Matter of the Application of
Ryan T. Propheter and Pro Builders LLC
File No. EO-2019-0061*

The following information is provided pursuant to 4 CSR 240-3.140 in support of Mr. Propheter's application:

1. The property to which the electric service will be provided is 17845 Highway 45 North, Weston, Missouri 64098. It is a one-story metal warehouse structure with a steel frame. It is approximately 6,000 square feet with office space and garage/storage space.
2. The current supplier is Kansas City Power and Light, 8325 N Platte Purchase Dr, Kansas City, MO 64118.
3. The requested provider is Platte-Clay Electric Cooperative, 15055 Bethel Rd, Platte City, MO 64079.
4. Mr. Propheter needs this change due to an excessive cost in bringing Phase 3 power to the property by KCPL. Platte-Clay can do so at a much more efficient cost. Please see enclosed letter from Mr. Propheter.
5. This change is in the public interest because it will allow Mr. Propheter to proceed with his custom cabinet business – his intended use when he purchased the property. The public interest is also served by a more efficient use of resources, to wit: KCPL's estimated cost will be more than \$23,000.00; Platte-Clay Electric Co-op's estimated cost is \$5,000.00.
6. Letters from both suppliers supporting this change are forthcoming.

Thank you for your time and assistance. Please let me know if you have any questions on this matter or if I may be assistance in any way.

Sincerely Yours,



Shane E. Bartee, Esq.
Attorney and Counselor at Law

Cf:
Mr. Ryan Propheter
Pro Builders since 1994, LLC

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

In the matter of the application of _____)
_____)
Ryan T Propheter) Case No. EO-2019-0061
(Name of Applicant))
_____)
for change of electric supplier.)

APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

1. Applicant's address is: 17845 MO 45 Hwy N Weston MO 64098

2. The name of Applicant's current electric service provider is: _____

Kansas City Power and Light

3. Applicant requests the Missouri Public Service Commission to order a change of electric supplier to the address indicated above.

4. Applicant requested the Commission to order a change of electric supplier from Kansas City Power and Light

(Current)

to Platte Clay Electric Cooperative

(Requested)

5. Applicant requests the Missouri Public Service Commission to order a change of electric provider for the following reasons.* Please see attached letter.

6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider: Please see attached letter.

WHEREFORE, Applicant requests the Missouri Public Service Commission to issue an Order which changes the current electric service provider.

9-11-18

(Date)



(Signature of Applicant)

816-1812-5555

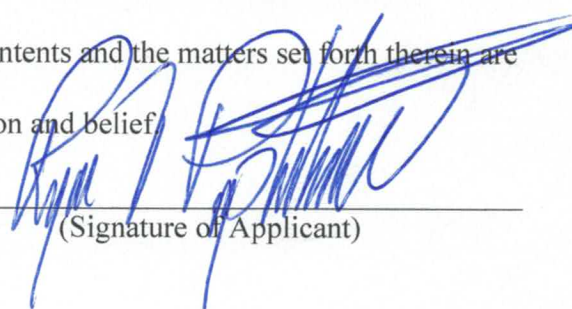
(Phone Number)

*If reason for change is poor service, outages, low voltage, etc., applicant should submit a record of service problems covering at least 90 days, including dates and times of problems to the extent possible. Applicant should also attempt to determine reasons for any service problems. For instance, if electric service was out or you are experiencing blinking lights, you should contact the supplier of electric service to determine the problem, and include this information with the application. (If the reasons from the supplier was a storm, car hitting pole, trees in line, conductor fell down, or whatever the supplier states for the problem, this should be noted.)

STATE OF MISSOURI)
)
COUNTY OF Platte) SS.

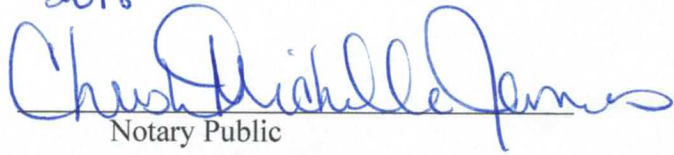
VERIFICATION

Ryan Propheter, on oath, states that he/she has read the foregoing application and is familiar with its contents and the matters set forth therein are true to the best of his/her knowledge, information and belief.



(Signature of Applicant)

SWORN TO BEFORE ME, the undersigned Notary Public on this the 11th day of Sept 19 2018.



Notary Public

My Commission Expires: CHRISTINA MICHELLE JAMES
Notary Public - Notary Seal
State of Missouri - Platte County
Commission # 18175002
My Commission Expires 3/14/2022

RYAN T PROPHETER
17845 MO 45 HWY N
WESTON MO
64098
816-812-5555

5. Applicant requests the Missouri Public Service Commission to order a change of electric provider for the following reasons.

Ryan T Propheter received an estimate from Kansas City Power and Light in the amount of \$22,900.00 plus miscellaneous expenses to construct the necessary infrastructure to provide 3 phase power to the building at 17845 MO 45 Hwy, Weston MO 64098 in order to run a custom cabinetry business. Based on the construction estimate of \$22,900.00 the representative of Kansas City Power and Light suggested that Ryan T Propheter see if 3 phase power could be obtained from Platte Clay Electric Cooperative for a smaller construction cost since their power lines run across the front of the property along the highway. An estimate of \$5000.00 in construction cost was provided by Platte Clay Electric Cooperative at which point Ryan T Propheter asked the representative of Kansas City Power and Light to release the property to Platte Clay Electric Cooperative since other businesses along MO 45 Hwy are being serviced by Platte Clay Electric Cooperative. The representative did not have the authority to release the property and upon further inquires nobody from Kansas City Power and Light could release the property to Platte Clay Electric Cooperative. Based on the vast differences between the construction estimates of Kansas City Power and Light \$22,900.00 and Platte Clay Electric Cooperative \$5000.00 for a difference of \$17,900.00 Ryan T Propheter is asking that the Missouri Public Service Commission grant the application to be released from Kansas City Power and Light and be serviced by Platte Clay Electric Cooperative and not be placed under a \$17,900.00 additional burden for the initial cost of 3 phase service and avoid an additional delay of Kansas City Power and Lights 16 weeks until construction could begin which is 4 times longer than Platte Clay Electric Cooperatives 4 weeks. The only other alternative would for Ryan T Propheter to purchase phase converters and operate at a reduced capacity in which case Kansas City Power and Light would still need to provide more amperage of single phase power than is currently running to the building at the present time.

6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider:

The problems do not involve the quality of power currently being provided only with the construction cost for extending 3 phase power to the property.

Change of Electric Provider:

1. Whether the customer's needs can be adequately met by the present supplier with respect to either the amount

or quality of the power;

I can not speak for Kansas City Power and Light but it seems adequate 3 phase power can be provided by Kansas City Power and Light only at a much higher initial construction cost of \$22,900.00 as compared to Platte Clay Electric Cooperatives construction cost of \$5000.00.

2. Whether there are health or safety issues involving the amount or quality of power;

No health or safety issues or involved.

3. What alternatives the customer has considered, including alternatives with the present supplier;

Even if Phase Converters were used it would require more single phase amperage from the present electric supplier (Kansas City Power & Light) and would limit the amount and size of cabinet shop machinery.

4. Whether the customer's equipment has been damaged or destroyed as a result of a problem with the electric supply;

No equipment has been damaged.

5. The effect the loss of the customer would have on the present supplier;

I can not speak for Kansas City Power & Light although minimal considering the representative was willing to release the property to Platte Clay Electric Cooperative based on the vast difference in initial construction costs.

6. Whether a change in supplier would result in a duplication of service or facilities, especially in comparison with alternatives available from the present supplier, a comparison which could include: (a) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements; and (b) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;

Duplication of service or facilities would not occur because the service or facilities are not in place at this time to supply 3 phase power. The cost of the new extension which would be \$22,900.00 and a wait time of 16 weeks from the present supplier of Kansas City Power and Light as compared to \$5000.00 and a wait time of 4 weeks from Platte Clay Electric Cooperative which would place an additional burden of \$17,900.00 and 12 more weeks of waiting time on Ryan T Propheter.

7. The overall burden on the customer caused by the inadequate service, including any economic burden not related to the cost of the electricity itself, and any burden not considered with respect to factor 6(b) above;

If 3 phase power cannot be obtained for a reasonable construction cost Ryan T Propheter will be forced to use 3 phase converters at a minimal cost of \$5000.00 and a run at a reduced capacity in regards to the size of equipment that can be purchased and the efficiency of the over all operations not to mention that more amperage than the current 200 amps will be needed in order run the smaller equipment on the phase converters at an overall reduced efficiency.

8. What efforts have been made by the present supplier to solve or mitigate the problem;

The problem all lies with the construction costs to provide 3 phase power, not any existing problems in regards to the quality of power at the present time.

9. The impact the Commission's decision may have on economic development, on an individual or cumulative basis; and

Ryan T Propheter may never reach its full potential as a custom cabinet shop if it is forced to run at a reduced capacity with inferior power and could put the huge investment in terms of the costs of the property at risk for the owner and could further jeopardize additional jobs for the community and surrounding area.

10. The effect the granting of authority for a change of suppliers might have on any territorial agreements between the two suppliers in question, or on the negotiation of territorial agreements between the suppliers

Other businesses along Missouri 45 Highway are currently being serviced by Platte Clay Electric Cooperative that are within the territory of Kansas City Power and Light.

Thank You

Ryan T Propheter



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Pro Builders since 1994 LLC)
for Change of Electric Supplier)

File No. EO-2019-0061

NOTICE OF DEFICIENCY

Issue Date: September 6, 2018

On September 4, 2018, Pro Builders since 1994 LLC ("Pro Builders") filed an application with the Missouri Public Service Commission ("Commission") requesting that its electric supplier be changed. Pro Builders' application is signed by Ryan Propheter, who is not identified as an attorney licensed to practice law in Missouri or any other state, but as a member of Pro Builders.

Missouri statute Section 484.020, RSMo 2016, restricts the practice of law to licensed attorneys. Consequently, Commission Rule 4 CSR 240-2.040(5), requires pleadings filed with the Commission to be signed by an attorney authorized to practice law in Missouri unless the entity signing the pleading is a natural person acting solely on his or her own behalf and representing only him or herself.¹ Pro Builders' application is signed by Mr. Propheter, who is not identified as an attorney licensed to practice in Missouri. The present application is filed on behalf of the corporation, Pro Builders, rather than by Mr. Propheter as a natural person on his own behalf or as the individual owner of Pro Builders.

¹ See also *Clark v. Austin*, 340 Mo 467, 101 S.W. 2d 977 (Mo 1937); *Reed v. Labor and Indus. Relations Com'n*, 789 S.W.2d 19 (Mo 1990).

Therefore, Pro Builders' filing is deficient and the Commission cannot take action on this application until these deficiencies are corrected. The Commission will leave the file open until October 5, 2018, to allow Pro Builders to correct the deficiency. If no response is filed by that time, the Commission will reject the application and close the file.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 6th day of September, 2018.

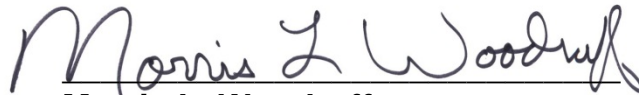
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 2nd day of October 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 2, 2018

File/Case No. EO-2019-0061

Missouri Public Service Commission
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Platte-Clay Electric Cooperative, Pro Builders since 1994 LLC Inc.
Legal Department
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Shane E Bartee
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Ryan T. Propheter
Shane E Bartee
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Weston, MO 64098
sebartee@outlook.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.