

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

**In the Matter of the Application of** )  
**Midland Residential, LLC for a** )  
**Variance from 20 CSR 4240-20.050** ) **Case No. EE-2024-0335**  
**Regarding** )  
**Individual Electric Meters.** )

**Midland Residential’s Supplemental Application for a Variance from 20 CSR 4240-20.050**

COMES NOW Midland Residential, LLC (“Midland Residential” or “Applicant”), and pursuant to 20 CSR 4240-20.050(5), and 20 CSR 4240-2.060, respectfully supplements its application to the Public Service Commission (“Commission”) to state additional facts and to request an order granting a variance or a finding that no variance is necessary pursuant to 20 CSR 4240-20.050(2). In support of its application as supplemented, Midland Residential states the following:

1. Applicant Midland Residential, LLC is a limited liability company with its principal place of business located at 120 South Central Avenue, Clayton, Missouri 63105. Applicant authorizes the undersigned counsel to subscribe and verify the facts of this supplemental application. Correspondence, communications, and orders and decisions of the Commission may be sent to the undersigned counsel, with copies sent to:

Melissa Frank  
The Cordish Company  
601 East Pratt St., 6<sup>th</sup> Floor  
Baltimore, MD 21202  
Phone: (410) 246-2257  
Email: [mfrank@cordish.com](mailto:mfrank@cordish.com)

2. Midland Residential’s Certificate of Good Standing was provided in Case No. EE-2024-0335 and is incorporated herein by reference.

3. Applicant acquires, holds, leases, sells and otherwise deals in real property.

4. Applicant has no pending actions or final unsatisfied judgments or decisions from any state or federal agency or court that involve customer service or rates, which action, judgment, or decision has occurred within three years of the date of this application.

5. Applicant is not an electrical corporation and is a non-regulated entity such that it does not file annual reports or submit assessment fees to the Commission.

**Midland Residential's Building's Footings Were Poured before June 1, 1981**

6. 20 CSR 4240-20.050(2) states that “[e]ach residential and commercial unit in a multiple-occupancy building construction of which has begun after June 1, 1981 shall have installed a separate electric meter for each residential or commercial unit.”

7. 20 CSR 4240-20.050(1)(D) states that “[c]onstruction begins when the footings are poured.”

8. The building was originally constructed in 1927 as an office building and the footings were poured at this time. Accordingly, construction occurred for purposes of 20 CSR 240-20.050 before June 1, 1981.

9. As renovated and reconfigured by Midland Residential, the building will be comprised of residential units. Applicant faces significant delay in its attempt to use individual meters. Due to issues with equipment availability and shipping delays, the lead time to obtain metering sockets is lengthy (approximately 68 weeks), which would put Applicant well beyond its planned schedule.

10. Midland Residential believes that the public interests will be served by not requiring the footings for the building to be demolished and re-poured. Further renovation of the building to include individual meters will increase costs and delay the provision of affordable housing to the surrounding community.

11. Applicant makes this request because the building's footings were poured prior to June 1, 1981 and before the individual meter requirement of 20 CSR 4240-20.050 for each residential unit.

12. Applicant believes that no party will be prejudiced by the granting of this motion.

WHEREFORE, Applicant Midland Residential respectfully requests that the Commission:

1. Find that no variance is required because the building's footings were poured before June 1, 1981, and approve master metering of the building, pursuant to 20 CSR 4240-20.050(2).

2. In the alternative, grant a variance from the individual electric meter requirements of the Commission pursuant to 20 CSR 4240-20.050(5) for the reasons set forth in this Supplemental Application and in Midland Residential's Application for Variance.

Respectfully submitted,

/s/ Aimee Davenport  
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/s/ Betsy Smith  
Betsy Smith  
MO # 75766  
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Kansas City, MO 64106  
Fax: (816) 412-9307  
Phone: (816) 691-3383

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served via e-mail on Staff Counsel on this 17th day of May, 2024.

/s/ Aimee Davenport

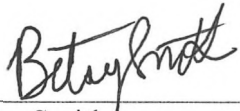
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**AFFIDAVIT OF BETSY SMITH**

**STATE OF MISSOURI** )  
 ) ss  
**COUNTY OF JACKSON** )

Betsy Smith, of lawful age, on oath states: that I have read the foregoing document and that the facts stated therein are true and correct in all material respects to the best of my knowledge, information, and belief, and that I am authorized to approve the filing of such document on behalf of Midland Residential, LLC, a Missouri limited liability company.

  
\_\_\_\_\_  
Betsy Smith

Subscribed and sworn before me on this 17th day of May, 2024

  
\_\_\_\_\_  
NOTARY PUBLIC

