

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

In the Matter of the Application of Brandon Jessip     )  
for Change of Electric Supplier from Empire District     )  
Electric to New-Mac Electric     )

**Case No. EO-2017-0277**

**STAFF'S POSITIONS**

**COMES NOW** the Staff of the Missouri Public Service Commission and states its positions on the issues it listed as follows:

1. By Section 393.106, RSMo., does The Empire District Electric Company presently have the right to continue to serve any of the structures on the Jessips' approximately 30 acre tract of land located at 7082 Nighthawk Road, Neosho, Missouri?

No. Staff anticipates the evidence will not establish to which, if any, structures on the tract Empire supplied electricity before it stopped providing electric service to the tract in 2010 before the Jessips acquired the tract in late 2013 or early 2014, although Empire left its facilities in place; that the evidence will show the electric service Empire provided to the tract at Mr. Jessip's request during the period September 8, 2014, through January 12, 2015, was used to power a well; that, at Mr. Jessip's request, Empire both discontinued providing any electric service to the tract and removed its facilities in 2015; and, presently, no utility is providing electric service to the tract.

2. If so, is it in the public interest for a reason other than a rate differential for those structures to be served by New-Mac Electric Cooperative, Inc., rather than The Empire District Electric Company?

If Empire has the right to continue to serve the tract, then, in Staff's opinion, it is in the public interest for a reason other than a rate differential for New-Mac to serve the structures on the tract. Staff anticipates the evidence will show that Empire turned off electric service to the tract in 2010; the Jessips acquired the tract in late 2013 or early 2014; the house on the tract was uninhabitable when the Jessips acquired the tract, and remains uninhabitable, due to structural water damage; the Jessips used electric service from Empire during September 8, 2014, through January 12, 2015, to power a water well; Empire both discontinued providing electric service at the tract and removed its electric service facilities from the tract in early 2015 at Mr. Jessip's request; Mr. Jessip is so disenchanted with Empire that he brought this case and traveled from the Neosho area to testify before the Commission in Jefferson City of his desire for New-Mac to serve the structures on the tract; Mr. Jessip desires to rehabilitate the house on the tract and have it served by New-Mac; New-Mac has facilities nearby which it can readily extend to serve all of the structures on the tract; both Empire and New-Mac have distribution facilities on or near the tract from which either can readily provide electric service to the structures on the tract; both Empire and New-Mac have easements on the tract for electric lines; currently neither

Empire nor New-Mac are receiving any revenues from the Jessips for electric service to the tract; New-Mac is willing to serve the structures on the tract, if the Commission enters an order for it to do so.

Respectfully submitted,

**/s/ Nathan Williams**

Nathan Williams  
Deputy Staff Counsel  
Missouri Bar No. 35512  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8702 (Telephone)  
(573) 751-9285 (Fax)  
nathan.williams@psc.mo.gov (e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 3<sup>rd</sup> day of October, 2017

**/s/ Nathan Williams**