

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

In the Matter of the Application of Sullivan)
Development Properties LLC for Change Of) **File No. EO-2024-0251**
Electric Supplier)

**APPLICANT’S RESPONSE TO ORDER DIRECTING FILING GRANTING
CONTINUANCE**

In response to the Commission’s request for Applicant to state as to why it has not filed for annexation Applicant states as follows:

Applicant is in the process of gathering and finalizing the final documents necessary to proceed with the annexation of the subject property. To file for annexation with the City of Farmington, Applicant, along with an application and petition, must file a survey, deed and legal description of the property. Applicant is in the process of getting the survey of the property and is otherwise prepared to file for annexation.

Furthermore, counsel for Applicant has determined that they have a conflict of interest in representing Applicant for the annexation process with the City. A partner of the firm is the new and current municipal judge for the City of Farmington. Applicant’s counsel believes that the petition that is required to be filed against the City of Farmington as part of the annexation process would constitute a conflict of interest. As such, Applicant is requesting additional time to find counsel to represent it solely on the issue of annexation and to get the necessary survey.

Moreover, Respondents have filed a joint motion for summary determination in this matter since the Commission granted the continuance. Applicant requests that it is given the opportunity to answer the joint motion. Applicant argues that the public benefit interests of making a change of supplier fully support Applicant’s application and that the Commission has

previously ordered the change of suppliers outside of the territorial limits of a supplier when there is an obvious public benefit.

Therefore, Applicant would request additional time to file for annexation and that they be allowed the full time provided under the Commission regulations to respond to Respondents joint motion for summary determination which would be due no later than September 5, 2024.

RESPECTFULLY SUBMITTED,

/s/ Kevin G. Kellogg

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ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed in EFIS on this 26th day of August 2024, with notification of same being sent to all counsel of record.

/s/ Kevin G. Kellogg

Kevin G. Kellogg # 67892