

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

Midwest Energy Consumers Group,)	
)	
Complainant,)	
)	
v.)	File No. EC-2017-0107
)	
Great Plains Energy, Inc.)	
)	
Respondent.)	

**OBJECTION TO AMICUS BRIEF AND
MOTION TO LATE FILE**

COMES NOW, the Midwest Energy Consumers’ Group (“MECG”) and for its Objection to the Amicus Brief filed by Spire, Inc. respectfully states as follows:

1. In its Complaint, MECG alleges that GPE violated the terms of the Commission’s Order in Case No. EM-2001-464. The relief sought by this Complaint would only affect GPE. Given the scope of this Complaint, the parties to this proceeding stipulated to certain facts in this matter. Unlike the other briefs filed in this matter, Spire was unable to limit its brief to the issues raised in this matter or the facts accepted into the record. For instance, rather than limit its brief to the three issues raised in this matter which concern the KCPL reorganization,¹ Spire seeks to expand the scope of this proceeding to include the settlement which resulted in its own corporate reorganization. Furthermore, instead of limiting itself to the facts included in the record in this proceeding, Spire repeatedly reaches outside the record to address facts underlying its corporate

¹ See, *Joint Stipulation of Facts and List of Issues, Request to Take Official Notice, Motion to Cancel Hearing and Oral Argument and to Establish Briefing Schedule, and Motion for Expedited Treatment*, filed January 18, 2017, at page 4.

reorganization and recent Spire acquisitions.² For instance, in Paragraph A (pages 2-3), Spire points to extra-record matters regarding previous Laclede acquisitions involving New England Gas in 2013 and Alabama Gas in 2014. In fact, footnote 1 is entirely focused on the Laclede reorganization and previous Laclede transactions.

2. Next, at Paragraph B(i) (pages 3-4), Spire claims that the GPE and Spire reorganization conditions would result in discriminatory regulatory treatment as compared to other Missouri utilities. Again, Spire fails to rely on any facts included in the record in support of this claim.

3. Still again, at Paragraph (ii) (pages 4-5), Spire claims that enforcement of the GPE and Spire reorganization condition would impose barriers to growth of Missouri utilities. Noticeably, Spire again fails to include any recitation to the facts of this proceeding. Instead, Spire reaches well beyond the record in this matter to other facts not included in the record.

4. Finally, at page 6, footnote 2, Spire makes certain allegations regarding recent executive orders and the alleged scope of that executive order. Not only is this executive order not included in the record, but Spire fails to provide any legal analysis to demonstrate how this executive order is intended to overturn previous utility stipulations.

5. MECG normally would not have a problem with an amicus brief. That said, while seeking authority to file an amicus brief, Spire demonstrates a complete lack of understanding of the scope of an amicus brief. Spire blindly wanders to issues not raised in this matter and facts not established in this matter to support its position which is not even implicated by the Complaint filed in this matter. Spire undoubtedly understood that the proper approach to this case should have been to intervene, as others have done, and offer evidence into the record

² Interestingly, in its entire 8 page amicus brief, Spire fails to reference the facts accepted into the record even one time. Instead, as mentioned, Spire wanders through alleged facts that have no relevance to the immediate proceeding.

to support the extra-record ramblings in its brief. Recognizing that the amicus brief fails to focus on the scope of the MECG complaint, is not limited to the issues raised in this matter and relies on facts not established in this matter, the Spire brief should be disregarded. That said, so long as it is permitted to respond to the brief, MECG would not have an objection to Spire filing an amicus brief which is limited to the issues raised in this matter and the facts set in the record.

6. In its January 31, 2017, *Order Setting Deadlines for Filing Objections*, the Commission set a deadline of February 3, 2017 for objecting to Spire's request to file an amicus brief. As a result of preparations for the upcoming KCPL rate case, counsel was unable to meet the February 3, 2017 deadline. That said, MECG does not believe that any parties would be prejudiced by the fact that this objection was filed a mere one day late.

WHEREFORE, MECG respectfully objects to Spire's motion to file an amicus brief in this matter.

Respectfully submitted,

WOODSMALL LAW OFFICE

A handwritten signature in black ink, appearing to read "Woodsmall", written in a cursive style.

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ATTORNEYS FOR MIDWEST ENERGY
CONSUMERS GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "David L. Woodsmall". The signature is written in a cursive style with a large initial "D".

David L. Woodsmall

Dated: February 4, 2016