

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

In the Matter of the Application of EDF Energy)
Services, LLC for Certification as a Seller of) **File No. GA-2017-0340**
Energy Services in the State of Missouri)

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its Recommendation in this matter states as follows:

1. On June 15, 2017, EDF Energy Services, LLC (“EDF”) filed an application with the Commission for certification as a seller of energy services in the state of Missouri under Section 393.299, RSMo.

2. The Commission’s most recent order issued herein¹, by delegation of authority, directed Staff to file a recommendation regarding EDF’s application no later than October 13, 2017.

3. On February 24, 2005, in Case No. GO-2004-0195², Staff filed its Energy Sellers Report (“Report”) resulting from its investigation regarding “sellers” providing “energy services” as defined by Sections 393.297 - 393.302, RSMo.³ At that time, based on its investigation Staff concluded that certification of sellers involving “upstream” natural gas transactions (where title to the natural gas passes before the city-gate) *is not required under the statutes* and that the evidence that “downstream” (after the city-gate) passage of title was not occurring *made certification unnecessary*.

¹ Issued September 13, 2017

² *In the Matter of an Investigation into Compliance with the Required Registration of Sellers of Electricity and Gas for Use or Consumption within Missouri*

³ See also 4 CSR 240-3.285

4. Based on the analysis and reasoning contained in the Report, on May 7, 2009, in Case No. GA-2009-0384⁴, Staff filed its suggestion that the application of U.S. Energy Services, Inc. for certification as a seller of energy services in the state of Missouri be dismissed, and on June 18, 2009, the Commission issued an *Order Dismissing Application* in which it stated that “Staff explains that the statute *applies only* to energy sellers who transfer title to gas *downstream of an LDC’s city gate*” (emphasis added) and “the Commission finds [Staff’s] recommendation persuasive.”

5. According to EDF’s responses to data requests submitted by Staff in the present case, title to the gas sold in Missouri by EDF will transfer to the buyer at the applicable LDC’s city-gate.

6. Therefore, based on (i) the Staff’s Report from Case No. GO-2004-0195; (ii) the Commission’s *Order Dismissing Application* in Case No. GA-2009-0384; and (iii) EDF’s responses to data requests in this case; the statute does not apply, certification of EDF as a seller of energy services in the state of Missouri is unnecessary, and its application should be dismissed.

WHEREFORE, Staff submits this Recommendation pursuant to the Commission’s September 13, 2017, Order and recommends the Commission inform EDF Energy Services, LLC that it does not need to obtain certification as a seller of energy services in the state of Missouri at this time, and dismiss the application.

⁴ *In the Matter of the Application of U.S. Energy Services, Inc. for Certification as a Seller of Energy Services in the State of Missouri*

Respectfully submitted,

/s/ Jeffrey A. Keevil

Jeffrey A. Keevil
Missouri Bar No. 33825
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526-4887 (Telephone)
(573) 751-9285 (Fax)
Email: jeff.keevil@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record this 2nd day of October, 2017.

/s/ Jeffrey A. Keevil