

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

In the Matter of the Application of Citizens Electric)	
Corporation for an Order Authorizing the Sale)	File No. EM-2019-0212
of Certain Electric Transmission Facilities)	

**STAFF RESPONSE TO MOTION OF WABASH
VALLEY POWER ASSOCIATION, INC. TO INTERVENE**

COMES NOW the Missouri Public Service Commission Staff (“Staff”), by and through Staff Counsel’s Office, and files its response to Wabash Valley Power Association, Inc.’s (“Wabash”) Motion To Intervene filed in this proceeding on October 25, 2019, and states as follows:

1. On June 26, 2019, the Missouri Public Service Commission (“Commission”) issued an Order Directing Notice, Setting Deadline For Intervention Requests, And Directing Filing Of Staff Recommendation. Among other things, the Commission directed that no later than July 11, 2019, any person wishing to intervene in this matter shall file an application to intervene. No applications to intervene were filed by July 11, 2019.

2. In Paragraph 10, page 2 of Wabash’s Motion To Intervene, Wabash states that it is filing its Motion To Intervene in Response to Staff’s Recommendation, which was filed after the intervention deadline.

3. In Paragraph 11, page 3 Wabash asserts that it seeks intervention to address Staff’s Recommendation that Wabash should be treated for Commission jurisdictional purposes as a Chapter 351 RSMo. Corporation.

4. Wabash states in Paragraph 12 of its Motion To Intervene that it actually is a Chapter 394 Rural Electric Cooperative not subject to the Commission’s jurisdiction

because it is a generation and transmission cooperative with power lines in Illinois, and therefore is within Section 394.200 RSMo. and not Chapter 351.

5. Finally, Wabash in Paragraph 13, page 3 of its Motion To Intervene correctly states that Wabash counsel spoke with Staff counsel on October 22, 2019, discussed these jurisdictional matters with Staff counsel, and Staff counsel related that they were previously unaware of Section 394.200 RSMo. Staff counsel on its own indicated that they would talk with the necessary Staff management and thought it was likely that Staff would not oppose a motion for late-filed intervention. Staff counsel indicated that Staff would not support Wabash's jurisdictional argument and Wabash would be seeking an advisory opinion if it sought a Commission jurisdictional decision regarding non-pending, i.e., future, issues. On October 23, 2019, Staff counsel spoke with the necessary Staff management and then contacted Wabash's counsel to indicate Staff would not oppose a Wabash motion for late-filed intervention.

6. Staff hereby requests that the Commission issue an Order Setting An Early Prehearing Conference for the purpose of setting a procedural schedule to address the issues set out above as necessary in this proceeding.

WHEREFORE Staff files its response to Wabash's Motion To Intervene, and states it has no objection to the Commission granting late-filed intervention to Wabash; and requests that the Commission make no other determinations at this point other than (1) as requested herein; (2) as requested in Staff Response To Citizens Electric Corporation's Response To Staff Of Missouri Public Service Commission's Recommendation; and (3) as requested in Staff Response To Response Of Wabash Valley Power Association, Inc. To Staff Recommendation. Staff requests the Commission

issue an Order Setting An Early Prehearing Conference for the purpose of setting a procedural schedule to address the issues set out above as necessary in this proceeding.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail on Counsel for the Parties of record to this case, on this 4th day of November 2019.

/s/ Steven Dottheim