

Missouri Public Service Commission

Respond Data Request

FILED
October 16, 2017
Data Center
Missouri Public
Service Commission

Data Request No.	0001
Company Name	MO PSC Staff-(All)
Case/Tracking No.	EO-2017-0277
Date Requested	9/20/2017
Issue	Other - Other
Requested From	Dan Beck
Requested By	Diana C Carter
Brief Description	Questions pertaining to Rebuttal Testimony of Staff witness Dan Beck.
Description	DR1: On page 1, lines 24-27, of the Rebuttal Testimony of Staff witness Dan Beck, it states that Staff recommends that the Commission determine that RSMo. 393.106 is inapplicable to this case "because Empire discontinued service to the house and property in question over two and one-half years ago." (a) Please provide any legal support (laws, orders, rules, etc.) that Staff has for this recommendation. For example, if Staff is aware of a court decision which states that the application of the statute is limited to a certain timeframe, please provide the case citation. (b) Please state what length of service disruption Staff believes is sufficient to render the anti-flip flop provision of RSMo. 393.106 inapplicable. (c) Referring to page 1, lines 27-29 of the Rebuttal Testimony of Staff witness Dan Beck, does Staff believe that a property owner may choose his/her service provider without regard to the application of RSMo. 393.106, so long as no utility is currently providing electric service to the property?
Response	a) Staff's position is explained in its June 26, 2017 Motion to Dismiss and a portion of this Motion is quoted on page 5 of the Rebuttal Testimony of Daniel I. Beck. b) The term "service disruption" is not in RSMo. 393.106. Staff's Motion to Dismiss instead states the following: "Staff's review of the record shows that the applicant is currently not being served by Empire or New-Mac, that Empire has not served the applicant's property in over two years, and Empire does not currently have all of the permanent facilities on the applicant's property required to serve the structure, as the pole, transformer, and service line have been removed. It is Staff's view that RSMo. 393.106 is inapplicable in this situation, and since no utility is providing electric service to the property; the applicant can choose his service provider without an order from the Commission." c) No. Response provided by Dan Beck (dan.beck@psc.mo.gov).
Objections	NA

Empire Exhibit No. 201
Date 10-10-17 Reporter A.F.
File No. EO-2017-0277

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission if, during the pendency of Case No. EO-2017-0277 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2)

make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

Security : Public
Rationale : NA