

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

In the Matter of a Working Case to Draft a Rule to)
Revise Commission Rule 4 CSR 240-3.105) **File No. EW-2014-0239**

**STAFF MOTION FOR COMMISSION NOTICE OF OPPORTUNITY TO COMMENT
ON OR BEFORE OR AT A WORKSHOP ON SEPTEMBER 11, 2014**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through undersigned counsel of the Staff Counsel’s Office, and files a Staff motion for the Commission to issue a *Notice Of Opportunity To Comment* to interested entities and persons¹ regarding the possible revision of Rule 4 CSR 240-3.105 and Dogwood Energy’s June 12, 2014 filing in File No. EW-2014-0239 on or before, or at a workshop scheduled for September 11, 2014, starting at 9:30 a.m., in Conference Room 315² of the Governor Office Building, in Jefferson City. In support of the requested Commission *Notice Of Opportunity To Comment*, the Staff states as follows:

1. This case is the result of a prior rulemaking proceeding initiated by Dogwood Energy, LLC (“Dogwood Energy”) to amend Rule 4 CSR 240-3.105 Filing Requirements For Electric Utility Company Applications For Certificates Of Convenience And Necessity to clarify that electric utilities must obtain advance approval from the Commission before acquiring electric plant built by others as a regulated asset in Missouri or another state, before undertaking major renovation projects of its existing electric plant in Missouri or another state, such as to increase capacity, extend the life of

¹ See Certificate of Service and Service List (Attachment A).

² The Staff has already reserved Conference Room 315 in the Governor Office Building in Jefferson City for the workshop scheduled for September 11, 2014.

the plant, or comply with environmental regulations, and before constructing electric plant in Missouri or another state.

2. After taking comments and recommendations, the Commission on March 5, 2014, in File No. EX-2014-0205, issued an *Order Denying Petition For Revision Of Commission Rule 4 CSR 240-3.105* (“*Order Denying Petition*”). The Commission indicated at page 5 in its *Order Denying Petition* that before it gets to its own review of Rule 4 CSR 240-3.105 for possible revisions, it wants the Staff to submit a revised rule for the Commission's consideration no later than August 29, 2014. Also on March 5, 2014, the Commission issued in File No. EW-2014-0239 an *Order Opening A Working Case To Assist In The Drafting Of A Rule To Revise Commission Rule 4 CSR 240-3.105*.

3. On April 17, 2014, the Staff filed *Staff Motion For Commission Order Directing Responses And Scheduling A Workshop*. On April 23, 2014, the Commission issued its *Notice Of Opportunity To Comment*. Among other things, the Commission related that the Staff invited interested persons to attend a Rule 4 CSR 240-3.105 workshop on June 4, 2014.

4. On May 5, 2014, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri”) filed Ameren Missouri Response To Staff Motion For Commission Order Directing Responses And Scheduling Workshop. Due to the schedule of cases Ameren Missouri faced at the Commission, the Noranda Aluminum, Inc. complaint cases, filing a general electric rate increase case, and day-to-day type cases, Ameren Missouri argued that it could not meaningfully participate in File No. EW-2014-0239, unless the August 29, 2014, deadline for the Staff to submit a

revised rule for the Commission's consideration was moved to a later date, thereby permitting a different workshop schedule. Ameren Missouri suggested December 19, 2014, as a new deadline for the Staff to submit a revised rule, so that the workshop schedule the Staff proposed in its April 17, 2014, filing could be changed.

5. On May 9, 2014, Dogwood Energy requested that the Commission deny Ameren Missouri's motion. The Staff, which also filed a response on May 9, 2014, had no objection to Ameren Missouri's motion.

6. The Commission issued an *Order Regarding Motion To Delay Staff Filing Of Proposed Rule Revision* on May 14, 2014, extending to December 19, 2014, the time allowed for the Staff to prepare and present a revised rule to the Commission.

7. On June 12, 2014, Dogwood Energy filed a new proposed revision to Rule 4 CSR 240-3.105 and comments.

8. The Staff now requests the Commission to issue a *Notice Of Opportunity To Comment* to interested entities and persons regarding the possible revision of Rule 4 CSR 240-3.105 and Dogwood Energy's June 12, 2014 filing in File No. EW-2014-0239, on or before, or at a workshop scheduled for September 11, 2014, in Conference Room 315 in the Governor Office Building in Jefferson City starting at 9:30 a.m. The *Notice Of Opportunity To Comment* might also note that any entity or person may suggest its own revisions to Rule 4 CSR 240-3.105 or some other related Commission rule(s), or an entity or person may suggest that no revision be made to Rule 4 CSR 240-3.105. If any such additional comments are filed in File No. EW-2014-0239 on or before September 11, 2014, responses to these comments would be welcomed before or at the September 11, 2014 workshop.

9. The Staff requests that those persons and entities filing comments/responses provide in their filings (a) legal authority and (b) citations to legal authority. The Staff is interested in any legal authority to which an entity or person can cite in support of its position that particular proposed language is literally or inferentially required by law, or in support of its position that a proposed language is literally or inferentially not required by law.

10. The Staff will arrange for a telephone port for those interested entities and persons that would like to participate by telephone rather than appear in person on September 11, 2014, but will note in advance that Conference Room 315 is acoustically challenged for even very good speaker phones.

WHEREFORE the Staff requests the Commission to issue a *Notice Of Opportunity To Comment* to interested entities and persons regarding the possible revision of Rule 4 CSR 240-3.105 and Dogwood Energy's June 12, 2014, filing in File No. EW-2014-0239 on or before or at a workshop on September 11, 2014, starting at 9:30 a.m., in Conference Room 315 of the Governor Office Building, in Jefferson City.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Notice Of Opportunity To Comment* have been transmitted electronically to all Commission-certificated electric utilities in the State of Missouri, and to all parties in the most recent triennial 4 CSR 240-Chapter 22 filing for each electric utility this 14th day of August, 2014. For Union Electric Company, d/b/a Ameren Missouri that case is File No. EO-2011-0271, for The Empire District Electric Company that case is File No. EO-2013-0547, for Kansas City Power & Light Company that case is File No. EO-2012-0323, and for KCP&L Greater Missouri Operations Company that case is File No. EO-2012-0324.

/s/ Steven Dottheim

SERVICE LIST FOR FILE NO. EW-2014-0239

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