

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day of
December, 2018.

In the Matter of the Application of Pro)
Builders since 1994 LLC for Change of) **File No. EO-2019-0061**
Electric Supplier)

ORDER APPROVING CHANGE OF SUPPLIER

Issue date: December 19, 2018

Effective Date: December 29, 2018

On September 4, 2018, Pro Builders since 1994 LLC ("Pro Builders"), filed an application with the Missouri Public Service Commission ("Commission") requesting that its electric supplier be changed from KCP&L Greater Missouri Operations Company ("GMO") to Platte-Clay Electric Cooperative, Inc. ("Platte-Clay") for service located at 17845 Highway 45 North, Weston, Missouri. Pro Builders states the property at issue was recently purchased and is designated for a custom cabinet shop, which requires Phase 3 power, which would be an upgrade from current service. GMO provided an estimate for the upgrade to Pro Builders of approximately \$23,000, with a start-up and construction time of 16 weeks. Platte-Clay provided an estimate for the upgrade to Pro Builders of approximately \$5,000, which was later revised to \$9,055, with a start-up and construction time of 4 weeks.

On October 2, 2018, the Commission made Platte-Clay and GMO¹ a party to this proceeding and directed them to file a response to the application. Platte-Clay filed a response stating that it has existing three-phase power across Pro Builders' property and

¹ Kansas City Power & Light Company was the named provider in the *Application* and the *Order*, which was corrected by GMO in their *Response*.

that such three-phase power is capable of serving Pro Builders, and that Platte-Clay has sufficient ability to become Pro Builders' electric supplier. GMO filed a response that did not object to Pro Builders' application, but stated they were able and willing to provide three-phase service.

On December 14, 2018, the Commission's Staff filed its *Recommendation* and *Memorandum* in support of the change of supplier request. In its recommendation, Staff notes the significant time and cost differences between the two suppliers. Staff further states that Platte-Clay already has three-phase service running across the property at issue. Staff recommends that the Commission grant Pro Builders' application, finding that their request for a change in electric supplier is in the public interest for a reason other than a rate differential in that the request does not involve an electric usage rate to be paid, and permits the most efficient and effective operation of the machinery sought to be utilized.

GMO is an "electrical corporation" and a "public utility," as defined in Section 386.020, RSMo 2016, and is subject to the jurisdiction and supervision of the Commission. Platte-Clay is a rural electric cooperative organized under Chapter 394 RSMo. The application is within the Commission's jurisdiction to decide.² Since no law requires a hearing, this is a non-contested case.³ Non-contested cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.⁴ Consequently, the Commission bases its decision on the verified filings. The Commission notes that no rate-making treatment has been requested or

² See Sections 393.106 and 394.315, RSMo 2016.

³ Section 536.010(4), RSMo 2016, defines a "contested case" as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing."

⁴ *Sapp v. City of St. Louis*, 320 S.W.3d 159, 163 (Mo. App. 2010).

authorized in approving this change of supplier and any effect it may have on rates will be considered within the context of the next general rate case proceeding.

Section 393.106.2, RSMo 2016, gives the Commission authority to order a change of supplier on the basis that it is in the public interest for a reason other than a rate differential. The Commission has reviewed the application, GMO's response, which did not object to the application, Platte-Clay's consent to be the supplier, and Staff's *Recommendation and Memorandum*, and finds that the request is in compliance with all applicable statutes and rules and is in the public interest for a reason other than a rate differential. Based upon its independent and impartial review, the Commission will approve the application. The effective date of the order will be December 29, 2018, to expedite Pro Builders' acquisition of three phase service.

THE COMMISSION ORDERS THAT:

1. Pro Builders since 1994 LLC's application for approval of a change in electric supplier for 17845 Highway 45 North, Weston, Missouri is approved.
2. This order shall become effective on December 29, 2018.
3. This file may be closed on or after December 30, 2018.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and
Coleman, CC., concur.

Hatcher, Regulatory Law Judge

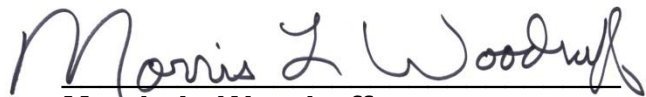
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 19th day of December 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 19, 2018

File/Case No. EO-2019-0061

**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.