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Attorney: Mississippi PSC could compel Kemper manager to testify

Posted By [Steve Wilson](#) On March 10, 2015 @ 4:00 am



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GASIFIER: Kemper's gasifier unit is designed to convert lignite coal into synthesis gas, which can be burned in the facility's turbines to generate electricity.

By Steve Wilson | Mississippi Watchdog

A Jackson-based attorney who practices in front of the Mississippi Public Service Commission said the regulatory body could bypass a restraining order if it wanted the testimony of a former Kemper Project employee.

Robert Wise, who's practiced before the PSC since 1985, said the commission could seek out the testimony of Southern Company Services employee [Brett Wingo](#) [2], the project manager for the gasification island for Mississippi Power's Kemper Project power plant.

[Wingo was muzzled by a temporary restraining order](#) [3] from speaking out about the embattled power plant where he worked, starting in 2011, after his employer filed a lawsuit against him in Jefferson County (Ala.) Circuit Court. The lawsuit — filed in the same county where the Southern Company's subsidiary, Alabama Power, is headquartered — alleges Wingo agreed to a settlement where he'd receive money to keep quiet after leaving his job over allegations the employee made against his employer.

The Southern Company is also the parent company of Mississippi Power.

That agreement with the Southern Company doesn't include the U.S. Securities and Exchange Commission and, according to Wise, the Mississippi PSC as well.

"The Commission's authority over the electric utilities it certifies and regulates is very broad," Wise said. "The Commission also has broad authority to investigate, hear and determine, 'such findings as may be supported by proof as to whether any utility holding a certificate under the provisions of this article is rendering reasonably adequate service in any area covered by such utility's certificate.'

"Certainly if Mr. Wingo has any information concerning the safety of the operation of Kemper as a lignite syn gas plant, the Commission has full jurisdiction over Mississippi Power Company to find out what that concern is."

Mississippi PSC chairman and Central District commissioner Lynn Posey didn't return a call for comment.

What Wingo knows about Kemper's issues is one for conjecture. Kemper is designed to convert high-moisture lignite coal into a natural gas-like substance called synthesis gas to burn in the facility's 582-megawatt turbines. Wingo worked on the gasifier component of the plant, which turns the high-moisture lignite coal into a natural gas-like substance called synthesis gas. The synthesis gas is burned in the facility's turbines to generate electricity. It's the biggest impediment to the plant going into full, commercial operation and the linchpin of the company's business plan of selling its byproducts, such as carbon dioxide taken from the gas feed.

The plant is now two years behind schedule and billions of dollars over budget. It's not scheduled to go into operation until March 2016. Kemper's turbines have been generating power on natural gas since August.

It's obvious, as evidenced by the lawsuit, that Mississippi Power's parent company doesn't want Wingo's testimony going public. Wise said another way to query Wingo is through data requests from the Mississippi Public Utilities Staff, a separate regulatory body from the PSC.

"Mississippi Power Company could attempt, as it has done before, to respond with filings under seal, for the eyes of the PSC and the Mississippi Public Utility Staff only, not by third parties," Wise said. "But the recent (Mississippi) Supreme Court case has undercut that by ruling that at all the Kemper-related proceedings affect rates. It is certainly not enough for Mississippi Power Company to claim the information is 'proprietary.'"

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[2] Brett Wingo: <http://www.indeed.com/r/Brett-Wingo/52f922915d9281f8>

[3] Wingo was muzzled by a temporary restraining order: <http://watchdog.org/203140/whats-got-say-kemper-project-manager-remains-muzzled/>

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