

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

FILED
SEP 20 1999
Missouri Public
Service Commission

In the Matter of the Application of Union)
Electric Company d/b/a AmerenUE and)
Ozark Border Electric Cooperative for)
Approval of a Written Territorial)
Agreement Designating the Boundaries of)
Each Electric Service Supplier within)
Portions of Bollinger, Butler, Carter,)
Dunklin, Iron, Madison, New Madrid,)
Reynolds, Ripley, Stoddard and Wayne)
Counties, Authorizing the sale, Transfer,)
and Assignment of Certain Electric)
Distribution Facilities, Easements and)
Other Rights, Generally Constituting the)
Applicants' Electric Utility Business)
Associated with its Customers Transferred)
Pursuant to the Territorial Agreement.)

Case No. EO-99-599

**JOINT MOTION TO DELAY HEARING DATE
AND REQUEST FOR EXPEDITED CONSIDERATION**

COME NOW the undersigned parties to this proceeding, and for their Motion to Delay Hearing Date and Request for Expedited Consideration, respectfully state as follows:

1. On June 16, 1999, Union Electric Company d/b/a AmerenUE ("AmerenUE"), a regulated utility, and Ozark Border Electric Cooperative, Inc. ("Ozark Border"), hereinafter collectively known as "the Applicants," filed a Joint Application requesting, *inter alia*, that the Missouri Public Service Commission ("Commission"): approve a Territorial Agreement between the Applicants, and grant the Applicants the authority, pursuant to the terms of said Territorial Agreement, to change electric service providers for certain customers, and to transfer certain property.

2. On July 9, 1999, the Office of the Public Counsel ("Public Counsel") filed a Request for Local Public Hearing in Dexter, Missouri.

3. On August 3, 1999, the Commission issued its Order Scheduling Local Hearing, setting the local hearing for August 19, 1999 (6:00 P.M.) at the Dexter High School auditorium, 1101 West Grant, Dexter, Missouri. The local hearing was held as ordered.

4. On August 4, 1999, in recognition of the scheduled date of the local public hearing and other circumstances of the case, the parties filed the following Revised Proposed Procedural Schedule:

Direct Testimony by Applicants	August 9, 1999
Local Public Hearing	August 19, 1999
Rebuttal Testimony (all parties except Applicants)	August 27, 1999
Statement of Issues	September 2, 1999
Surrebuttal/Cross-Surrebuttal (all parties)	September 9, 1999
Statement of Positions on the Issues (all parties)	September 13, 1999
Evidentiary Hearing	September 17, 1999

5. After initially rejecting the above procedural schedule, the Commission, on August 17, 1999, issued an Order adopting said procedural schedule, and, pursuant to the Commission's statutory authority, extending, for good cause shown, the date for ruling on the Territorial Agreement beyond the statutory 120-day limit.

6. The Commission granted intervention to the City of Poplar Bluff, Missouri, the City of Malden, Missouri, and the Stoddard County Intervenor on August 4, August 31, and September 7, 1999, respectively.

7. On August 31, 1999, the Commission, citing scheduling conflicts, issued its Order Changing Date of Evidentiary Hearing, wherein said hearing was rescheduled to Wednesday, September 22, 1999 at 9:00 AM.

8. On September 8, 1999, all parties to this docket (hereinafter, "the Parties") filed their Motion to Suspend Procedural Schedule in Part and Request for Expedited Consideration, requesting, *inter alia*, that the Commission suspend the filing of Surrebuttal/Cross-Surrebuttal and the Statement of Positions on the Issues by all parties, pending the filing by September 14th of a Unanimous Stipulation and Agreement. In response thereto, the Commission on September 15th issued its Order Granting motion to Suspend Procedural Schedule in Part, wherein it ordered: 1) the indefinite suspension of the filing of Surrebuttal/Cross-Surrebuttal and the Statement of Positions on the Issues; 2) the filing of the amended joint application and any evidence in support of a unanimous stipulation and agreement by September 16th; and 3) the filing of a proposed unanimous stipulation and agreement by September 14th, or, in the alternative, the filing of a proposed procedural schedule by September 15th.

9. Although the timing of the Commission's September 15th Order prevented full compliance in response thereto, the Parties recognize that, despite their best efforts, they failed to meet their own expectations regarding filing deadlines, as set forth in their aforementioned September 8th Motion. The difficulties encountered were aggravated by the fact that early last week, William Bobnar, the attorney for Applicant AmerenUE, who has played a primary role in virtually all of the negotiations as well as in the drafting of the of the key documents in this case, developed an acute medical condition that necessitated a visit to the emergency room and caused him to be bed-ridden for the remainder of the week. As of the date of the filing of this Motion, it

is likely that Mr. Bobnar will not be able to return to work until late this week or perhaps even next week.

10. While a Unanimous Stipulation has not yet been filed, the Parties have reached an agreement in principle regarding revisions to the Territorial Agreement, and they continue to believe that a Unanimous Stipulation and Agreement will be concluded for presentation to the Commission in the near future. Execution of the Unanimous Stipulation and Agreement, however, is dependent upon the completion of the Revised Territorial Agreement, which completion is now stalled by the unexpected unavailability of Mr. Bobnar.

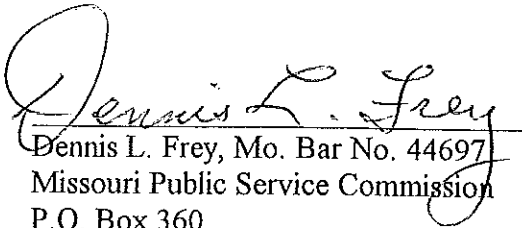
11. In light of the foregoing, and especially in consideration of Mr. Bobnar's unfortunate medical situation, the Parties hereby respectfully request that the Commission set a new, later date for the evidentiary hearing in this matter. Suggested dates for the one-day hearing are October 1, October 4, October 5, and October 8, 1999. As stated earlier, it is anticipated that this hearing will be for the purpose of presentation of a Unanimous Stipulation and Agreement.

12. In view of the time pressures imposed by the procedural schedule currently in force, the parties agree that expedited consideration of this Motion is necessary

WHEREFORE, for the reasons stated above, the Parties respectfully request that the Commission issue an Order rescheduling the hearing date in this case from September 22, 1999 to October 1, October 4, October 5, October 8, 1999, or another date that the Commission deems appropriate. The Parties further request expedited treatment of this Motion.

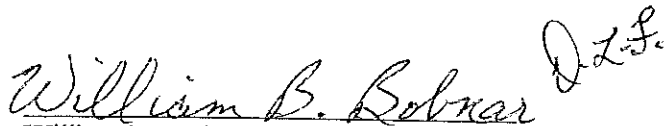
Respectfully submitted,

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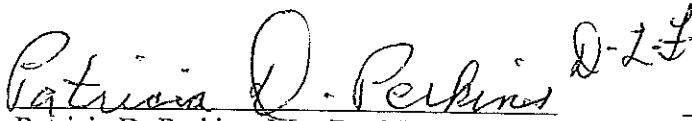
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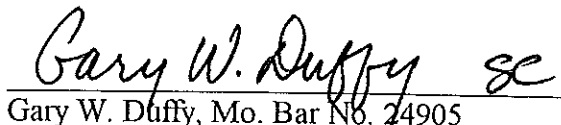
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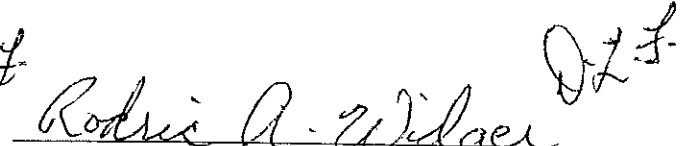
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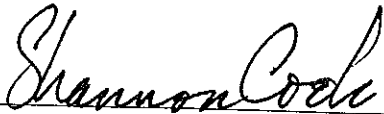
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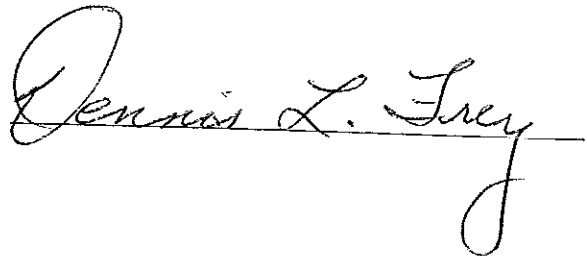
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 20th day of September 1999.



**SERVICE LIST FOR
CASE NO: EO-99-599
September 20, 1999**

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