

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

In the Matter of the Application of	)	
Thomas and Tammy McCain For	)	Case No. EO-2010-0067
Change of Electric Supplier	)	

**REPLY OF OZARK BORDER ELECTRIC COOPERATIVE TO  
MOTION OF PEMISCOT-DUNKLIN ELECTRIC COOPERATIVE TO INTERVENE**

COMES NOW Ozark Border Electric Cooperative, by and through counsel, and for its Reply to Pemiscot-Dunklin Electric Cooperative's Motion To Intervene, states the following:

1. On August 28, 2009, Thomas and Tammy McCain filed a verified Application For Change of Electric Supplier from the City of Campbell to Ozark Border Electric Cooperative.

2. On August 31, 2009, the Commission issued its Order Directing Ozark Border to respond on or before September 30, 2009 to the Application for Change of Electric Supplier and also ordered the City of Campbell to respond by that same date.

3. Without the direction of the Public Service Commission, the Pemiscot-Dunklin Cooperative has moved to intervene in this matter for the purpose of challenging the Application For Change of Electric Supplier, claiming that it has been in negotiations with the City of Campbell for the purpose of purchasing the City of Campbell municipal utilities system.

4. It is the position of Ozark Border that because the Applicants reside outside the City of Campbell, they are within the territory previously assigned to Ozark Border Electric Cooperative by virtue of a Territorial Agreement entered into with AmerenUE and approved by the Missouri Public Service Commission on October 19, 1999. The terms of the

Territorial Agreement are public information contained in a Missouri PSC docket file.

5. The Territorial Agreement between Ozark Border and AmerenUE provided that Ozark Border would have a portion of Dunklin County as its exclusive service area and that portion of Dunklin County encompassed the City of Campbell, Missouri. The City of Campbell has operated its own municipal utility system distributing electricity to its customers until it recently announced that it was desirous of selling its municipal utility system.

6. The proposed sale of the City of Campbell municipal utilities system to Pemiscot-Dunklin will result in a duplication of services and a violation of the terms of the Territorial Agreement previously approved by the Commission, in that it will require the construction of an additional substation at a cost of approximately Two Million Dollars (\$2,000,000.00) when Ozark Border has already built a substation in that area capable of serving the City of Campbell and in anticipation of serving the area around the City of Campbell at the time that the Territorial Agreement was entered into with Ameren Union Electric.

7. Moreover, Ozark Border and the City of Campbell had also entered into negotiations regarding the sale of the municipal utility to Ozark Border, and it is the position of Ozark Border that an agreement was reached regarding the sale, but thereafter the municipal utility, on its own, entered into private negotiations at a hastily called meeting on the following Saturday with Pemiscot-Dunklin to subvert, breach and contravene its agreement to sell to Ozark Border.

8. Any sale of the municipal utility to Pemiscot-Dunklin Electric Cooperative will require Ozark Border and Ameren Union Electric to amend the Territorial Agreement of October 19, 1999, for which Ozark Border gave considerable value in that Ozark Border

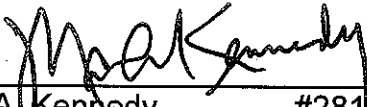
gave up highly profitable territory around a high development area around Dexter, Missouri in order to obtain the Dunklin County territory, including the City of Campbell, Missouri.

9. As a result of the foregoing, Pemiscot-Dunklin has no standing to intervene in this matter, as it is a matter among the Applicants who have requested a change to Ozark Border Electric Cooperative, the City of Campbell, and Ozark Border. Not only does Pemiscot-Dunklin lack a Territorial Agreement to serve the area occupied by the Applicants for a change of electric supplier, but in addition, such service by Pemiscot-Dunklin will violate the terms of Ozark Border's Territorial Agreement, and will result in an expensive duplication of services already built in the area.

WHEREFORE, Ozark Border Electric Cooperative prays the Commission to deny the Application of Pemiscot-Dunklin to Intervene and to go forward with approving the Application For Change of Electric Supplier of Thomas and Tammy McCain which is currently before the Commission.

Respectfully submitted,

KENNEDY, KENNEDY, ROBBINS & YARBRO, LC

  
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Mark A. Kennedy #28183  
1165 Cherry Street  
P. O. Box 696  
Poplar Bluff, MO 63902  
Telephone: (573) 686-2459  
Telefax: (573) 686-7822  
[ian@kkrylawfirm.com](mailto:ian@kkrylawfirm.com)

ATTORNEY FOR OZARK BORDER ELECTRIC COOP.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was mailed via first class mail on the following parties this 2nd day of October, 2009 to:

Office of General Counsel  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65012

Thomas and Tammy McCoin  
18345 US Highway 62  
Campbell, MO 63933

Lewis Mills  
Office of Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102

Campbell Light Department  
Legal Department  
302 West Grant Street  
Campbell, MO 63933

Craig S. Johnson  
Berry Wilson, LLC  
304 E. High Street, Suite 100  
P.O. Box 1606  
Jefferson City, MO 65102



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Mark A. Kennedy