

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

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.)

FILED²

SEP 8 1999

Missouri Public
Service Commission

Case No. EO-99-599

**MOTION TO SUSPEND PROCEDURAL SCHEDULE IN PART
AND REQUEST FOR EXPEDITED CONSIDERATION**

COME NOW the undersigned parties to this proceeding, and for their Motion to Suspend Procedural Schedule in Part 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 Intervenors 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. For many weeks, the parties to this docket have been diligently engaged in efforts to reach a settlement in this matter. These efforts, which actually intensified in the wake of the August 19th local public hearing in Dexter, have proven fruitful. The parties believe that they have reached an agreement in principle in settlement of all issues in this case, and they are presently engaged in the preparation of a Unanimous Stipulation and Agreement. It will also be necessary for the Applicants to prepare for filing an amended Joint Application.

9. The parties agree that, in light of these circumstances, to continue to proceed under the procedural schedule currently in force, which was developed in anticipation of a contested case, would not constitute an efficient use of resources and would unnecessarily retard the preparation of the Unanimous Stipulation and Agreement as well as the amended Joint Application. Accordingly, the parties agree that the appropriate course of action at this time would be to suspend a portion of the remaining procedural schedule---i.e., Surrebuttal/Cross-Surrebuttal and the Statement of Positions on the Issues by all parties---while retaining the scheduled date and time of the evidentiary hearing (September 22nd at 9:00 AM) for purposes of presentation of the Unanimous Stipulation and Agreement.

10. The parties further agree that the amended agreement between the Applicants, as well as any evidence in support of the Unanimous Stipulation and Agreement may, be filed at any time up to and including the time of the evidentiary hearing.

11. In the unlikely event that the parties are unable to file a Unanimous Stipulation and Agreement by September 14, 1999, the parties shall instead file by September 15th, a procedural

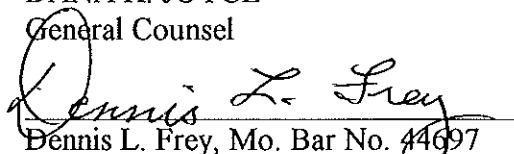
schedule designed to bring this case to hearing as expeditiously as possible. Any resultant delay in the holding of the evidentiary hearing necessitated by such further revision of the procedural schedule would be permissible, since the Commission has, for good cause shown, already extended the timeframe within which it may rule on this matter.

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


WHEREFORE, for the reasons stated, the parties respectfully move that the Commission: a) suspend the filing of Surrebuttal/Cross-Surrebuttal and the Statement of Positions on the Issues by all parties; b) order the retention of September 22, 1999 (9:00 AM) as the evidentiary hearing date for presentation of a Unanimous Stipulation and Agreement: c) order that the revised Joint Application, along with any evidence in support of the Unanimous Stipulation and Agreement, be filed no later than September 22, 1999; and d) order, in the event that the parties do not file a Unanimous Stipulation and Agreement by September 14, 1999, that a revised procedural schedule be filed by September 15, 1999. The parties further request that the Commission accord expedited consideration to this motion.

Respectfully submitted,

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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 8th day of September 1999.

Dennis L. Frey

**SERVICE LIST FOR
CASE NO: EO-99-599
September 8, 1999**

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