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January 19, 2000

Mr. Dale Hardy Roberts
Executive Secretary
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

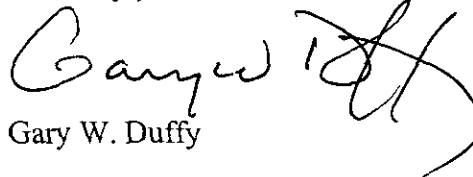
RE: Case No. EA-2000-308

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and fourteen copies of a Motion to Reschedule Prehearing Conference.

If you have any questions, please call Dean Cooper of this office.

Sincerely yours,


Gary W. Duffy

Enclosures
cc w/encl:

Shannon Cook, Office of Public Counsel
Dennis Frey, General Counsel's Office
Mark W. Comley
Michael R. Dunbar
Dan Watkins

FILED²
JAN 19 2000
Missouri Public
Service Commission

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

FILED²
JAN 19 2000

Missouri Public
Service Commission

In the matter of the application of the City)
of Rolla, Missouri, for an order)
assigning exclusive service territories and)
for determination of fair and reasonable)
compensation pursuant to section 386.800)
RSMo 1994.)

Case No. EA-2000-308

MOTION TO RESCHEDULE PREHEARING CONFERENCE

Comes now the City of Rolla, Missouri, ("the City"), by and through Rolla Municipal Utilities ("RMU") and its counsel, and for its motion respectfully states as follows:

1. The Commission, in an order issued January 18, 2000, set a prehearing conference in this case for February 1, 2000. The City seeks to reschedule that prehearing conference to early March, 2000, for the reasons set forth below.

2. This is a unique type of proceeding at the Commission and this is the first case of its type to reach this stage in the process. Discovery is underway by which RMU is seeking to discover the extent and value of the facilities which Intercounty Electric Cooperative Association ("Intercounty") has in the annexed area. RMU has sent three sets of data requests to Intercounty, numbering some 82 in total. RMU did not receive responses to its first set until the end of last month. Some of those responses are difficult for RMU to understand, do not appear to RMU to provide the information requested, or in RMU's opinion, need clarification. RMU has already sent requests seeking clarification on responses received. Intercounty has served 67 data requests in two separate batches on the City and RMU. The Staff is also conducting discovery.

3. Because of the unique nature of this type of proceeding, and the status of

discovery, RMU states that at this stage of the proceeding, it is not possible to identify all of the issues that will be presented, much less determine a quantification of value of the facilities under the categories listed in § 386.800 RSMo. Because RMU cannot identify the issues likely to be presented at this time, and strongly believes it will not be able to do so by February 1, it cannot with any certainty determine who it will need as witnesses, and further, cannot predict how long a hearing will be needed. Since these are the matters which the Commission seeks at the pre-hearing, RMU states that it does not believe that the case has progressed to the point where identifying all of those things and producing a procedural schedule is practical or capable of being accomplished with any degree of certainty at so early a date as February 1, 2000. RMU hopes that further discovery will enable a better analysis of the situation leading to a better resolution of those questions, and it will tailor its discovery efforts to that goal. At this time, however, RMU does not have enough information to even begin drafting direct testimony, and include the "feasibility" aspects ordered by the Commission, so it would not be in a position by February 1, 2000 to even project when it can file such testimony.

4. RMU's counsel is not available to be present at a pre-hearing on February 1, 2000, since he will be in New Zealand. He will not be reachable. RMU's counsel will not return to the United States until February 14, 2000. RMU would be prejudiced if forced to attend a pre-hearing conference and recommend a procedural schedule without the benefit of its counsel who has been advising it in these proceedings.

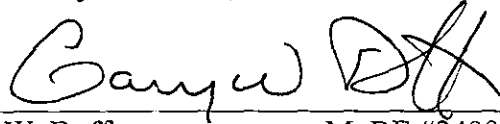
5. RMU respectfully submits that a February 1, 2000 pre-hearing date is too early in this process to be practical. RMU requests that a pre-hearing be postponed at least until early March 2000, when it believes it will be in a better position to suggest a procedural schedule.

6. RMU has attempted to contact counsel for all parties to this proceeding to

determine, prior to filing this motion, their respective positions on moving the pre-hearing conference to early March. A draft copy of this motion was faxed to all counsel of record at 9:35 a.m. on January 19, 2000. In response, counsel for the Staff of the Commission stated that the Staff supports this motion. Counsel for the Office of the Public Counsel stated it is not opposed to this request. Counsel for Intercounty and the "Southside Neighbors" did not respond prior the preparation of this motion.

WHEREFORE, The City moves that the Commission reschedule the pre-hearing conference in this proceeding to early March, 2000.

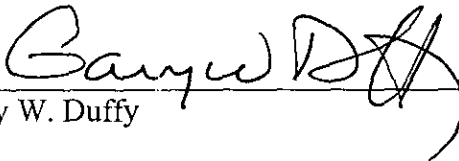
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gary W. Duffy", is written over a horizontal line.

Gary W. Duffy MoBE #24905
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ATTORNEYS FOR
THE CITY OF ROLLA, MISSOURI

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was mailed or hand-delivered on January 19, 2000, to counsel for all parties of record as shown below.



Gary W. Duffy

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