

LAW OFFICES  
**BRYDON, SWEARENGEN & ENGLAND**

PROFESSIONAL CORPORATION

312 EAST CAPITOL AVENUE

P. O. BOX 456

JEFFERSON CITY, MISSOURI 65102-0456

TELEPHONE (573) 635-7166

FACSIMILE (573) 635-3847

E-MAIL: DUFFY@BRYDONLAW.COM

DAVID V.G. BRYDON  
JAMES C. SWEARENGEN  
WILLIAM R. ENGLAND, III  
JOHNNY K. RICHARDSON  
GARY W. DUFFY  
PAUL A. BOUDREAU  
SONDRA B. MORGAN  
CHARLES E. SMARR

DEAN L. COOPER  
MARK G. ANDERSON  
GREGORY C. MITCHELL  
BRIAN T. MCCARTNEY  
BRIAN K. BOGARD  
DIANA C. FARR  
JANET E. WHEELER

OF COUNSEL  
RICHARD T. CIOTTONI

July 3, 2002

Executive Secretary  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

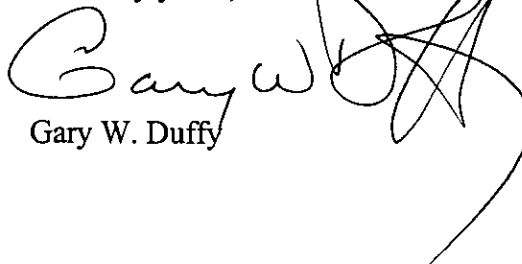
RE: Case No. <sup>EO</sup>~~EA~~-2002-1119

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of a Motion to Set Hearing Date.

If there are any questions about this, please let me know.

Sincerely yours,

  
Gary W. Duffy

Enclosures  
cc w/encl:

John Coffman, Office of Public Counsel  
Bruce Bates, Office of General Counsel  
Kerry Douglas  
Mike Palmer

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

In the Matter of the Application of The )  
Empire District Electric Company and )  
Southwest Electric Cooperative for )  
Approval of a Written Territorial )  
Agreement Designating the Boundaries )  
of Exclusive Service Areas for Each )  
Near the Southern Boundary of the City )  
of Strafford, Missouri. )

EO  
Case No. ~~EA~~-2002-1119

**MOTION TO SET HEARING DATE**

COMES NOW The Empire District Electric Company ("Empire") and Southwest Electric Cooperative ("Southwest"), hereinafter referred to collectively as "Applicants," by and through their respective counsel, and for their Motion to Set Hearing Date respectfully state as follows:

1. The Applicants and other parties seek an order from the Commission setting an evidentiary hearing in this case on August 6, 2002.
2. The Applicants filed this verified application on June 7, 2002. In brief, it requests an order approving a territorial agreement for areas in and near Strafford, Missouri. No customers of the Applicants will be required to change suppliers as a result of the approval of the agreement. The Commission sent out an "Order and Notice" in this matter on June 12, 2002, setting an intervention deadline of July 2, 2002. No party sought intervention prior to the deadline. The Office of the Public Counsel has indicated that it will not oppose the application.

3. State law requires that the Commission rule on the application within 120 days of June 7, 2002. State law also mandates a hearing. § 394.312.4 RSMo 2000. The Order and Notice issued on June 12 required the Applicants, the Staff of the Commission, and the Office of the Public Counsel to file a proposed procedural schedule on or before July 15, 2002, with a hearing to take place on or before August 13, 2002.

4. The Applicants and Staff have consulted the Commission's calendar and discussed the setting of a hearing with the Regulatory Law Judge. The earliest open hearing date is early September. The Applicants seek an earlier hearing date due to their mutual perception that this case will be uncontested, and approval will produce certainty as to the identity of an electric supplier within a developing subdivision inside the Strafford city limits, and thereby avoid possible delays in new customers receiving electric service.

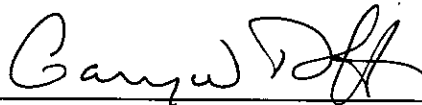
5. The parties expect the hearing to be brief. Based on prior similar situations before the Commission, the Applicants believe the hearing should consume less than half an hour. Counsel and witnesses for the Applicants and the Staff are all available on August 6, 2002, and desire that a hearing be set for this case on that date. The Applicants are aware that the Commission has another hearing set for that date. The Applicants do not wish to interfere with the existing hearing and therefore suggest that the hearing in this case could either be held without the presence of the Commissioners, or could be scheduled at a logical breaking point in the other hearing, e.g. 1 p.m., to accommodate any Commissioners who wish to attend. Such a time

would also aid the witnesses and counsel for Southwest who have to travel from southwest Missouri to attend the hearing here in Jefferson City.

6. Counsel for the Staff and the Office of the Public Counsel have reviewed this motion prior to its filing and have consented to it.

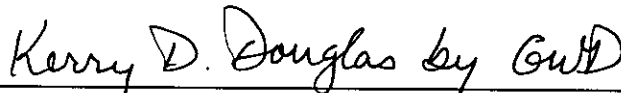
WHEREFORE, the Applicants request that the Commission schedule the evidentiary hearing in this case at 1 p.m. on August 6, 2002.

Respectfully submitted,



Gary W. Duffy MoBar #24905  
Brydon, Swearengen & England, P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
573-635-7166 (telephone)  
573-635-3847 (fax)  
Email: [Duffy@Brydonlaw.com](mailto:Duffy@Brydonlaw.com)

ATTORNEYS FOR THE  
EMPIRE DISTRICT ELECTRIC COMPANY



Kerry D. Douglas MoBar # 21474  
Douglas, Lynch, Haun & Kirksey, P.C.  
111 West Broadway  
P.O. Box 117  
Bolivar, MO 65613-0117  
(417) 326-5261 (telephone)  
(417) 326-2845 (fax)  
Email: [kdouglas@bolivarlaw.com](mailto:kdouglas@bolivarlaw.com)

ATTORNEYS FOR  
SOUTHWEST ELECTRIC COOPERATIVE

### Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing motion was served by hand delivery this 3<sup>rd</sup> day of July, 2002 upon the Office of the Public Counsel and the Office of the General Counsel.

  
\_\_\_\_\_  
Gary W. Duffy

EDES\W1stteragbhearmot\gdmydocs\wp8