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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Joint Application)
of the City of Fulton and Callaway Electric)
Cooperative Changing Electric Provider from)
Callaway Electric Cooperative to the City of)
Fulton and Changing Electric Provider from)
the City of Fulton to the Callaway Electric)
Cooperative.)

Case No. EO-99-402

NOTICE OF DEFICIENCY

On March 23, 1999, the City of Fulton and Callaway Electric Cooperative (Applicants) filed their joint application for Commission authority to change electric service provider as to certain customers of each Applicant. Nowhere in the joint application or its appendices, however, is there evidence of service of the application upon the Public Counsel.

Section 386.710.2, RSMo 1994, requires that the Public Counsel be served with "all proposed tariffs, initial pleadings, and applications, in all proceedings before the public service commission[.]" Commission Regulation 4 CSR 240-2.080(6) likewise requires the service of all pleadings upon "each other party," a phrase that necessarily includes the Public Counsel. See Regulation 4 CSR 240-2.010(10) ("Commission staff and the public counsel are also parties[.]"). This service requirement applies to applications. Regulation 4 CSR 240-2.040(1).

No further action will be taken by the Commission on this application until the Applicants file a Certificate of Service, showing that the joint application and its appendices have been served upon the Public Counsel.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 24th day of March, 1999.

Thompson, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION