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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 16th
day of April, 1993.

In the matter of the joint application of)
The Empire District Electric Company of)
Joplin, Missouri and White River Valley)
Electric Cooperative, Branson, Missouri,) Case No. EO-93-258
for approval of a territorial agreement)
designating the boundaries of each)
electrical supplier within a subdivision)
in Taney County, Missouri.)

ORDER, NOTICE AND PROCEDURAL SCHEDULE

On March 5, 1993, The Empire District Electric Company of Joplin, Missouri (Empire) and the White River Valley Electric Cooperative, Branson, Missouri (White River), hereinafter referred to jointly as Applicants, filed a Joint Application requesting the Commission approve the Applicants' territorial agreement, pursuant to Sections 394.312 and 416.041 RSMo (Supp. 1992) and further requesting the Commission allow such other actions as are necessary to carry out the agreement.

The Applicants state that they have mutually agreed to displace competition between themselves as allowed by law and have set out the terms of their agreement in a document designated "Territorial Agreement" dated February 19, 1993. The Applicants further state that there are no other suppliers of retail electric service besides the Applicants known to be operating within or near the area which is the subject of the agreement. The area which is covered by the Territorial Agreement is not within the boundaries of any incorporated municipality.

The Applicants herein have stated their intent to promote the orderly development of retail electrical service within a portion of Taney County, Missouri, and to avoid unnecessary duplication of electrical facilities therein.

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To that end, the agreement pertains only to a subdivision located in Taney County, Missouri, known as "The Falls" generally located in the northeast quarter of Section 11, Township 22 North, Range 22 West, as depicted upon the vicinity map attached to the application. The agreement is stated to have no affect whatsoever upon service by White River or Empire in any other area.

Upon review of the filing, the Commission is of the opinion that notice of this application should be sent to interested parties, an intervention date set and an expedited procedural schedule established as the Commission has one hundred and twenty (120) days from March 5, 1993, pursuant to 394.312(3) to consider this application.

The Commission determines that notice of this application should be given by the Commission's Records Department sending a copy of this order to the County Commission of Taney County, Missouri. The Commission further determines that the Information Officer of the Commission should provide notice to the members of the General Assembly representing the Applicants' service areas and to the media which serves the Applicants' areas which are covered by the territorial agreement.

Proper persons wishing to intervene shall have twenty (20) days from the date of this order to file an application to intervene with the Executive Secretary of the Commission, P.O. Box 360, Jefferson City, Missouri 65102, and a copy of the application to intervene shall be sent to:

Gary W. Duffy
Brydon, Swearngen & England, P.C.
P.O. Box 456
Jefferson City, Missouri 65102-0456

Rodric A. Widger
Anderreck, Evans, Milne, Peace & Baumhoer
P.O. Box 4929
Springfield, Missouri 65808-4929

The Commission specifically finds that it is appropriate for the Applicants to send notice to the residents of the aforementioned subdivision.

Lastly, the Commission will establish a procedural schedule as set out in more detail below.

IT IS THEREFORE ORDERED:

1. That the Records Department and the Information Officer of the Missouri Public Service Commission be directed hereby to send notice as set forth in this order.

2. That any interested party wishing to intervene in this case shall file such intervention as set forth in this order on or before May 6, 1993.

3. That the following procedural schedule for proceedings is adopted:

Direct testimony - Applicants	May 4, 1993 3:00 p.m.
Staff, OPC and intervenor rebuttal testimony	May 11, 1993
Company surrebuttal	May 18, 1993
Prehearing conference	May 25, 1993 10:00 a.m.
Evidentiary hearing commencing immediately following the prehearing conference	May 25, 1993

The prehearing conference and the evidentiary hearing will be held in the Commission's hearing room on the Fifth Floor of the Harry S Truman State Office Building, 301 W. High Street, Jefferson City, Missouri. If any person has special needs as addressed by the Americans With Disabilities Act please notify the Chief Hearing Examiner at 314/751-7497 at least ten (10) days prior to the hearing.

4. That this order shall become effective on the date hereof.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Rauch, Perkins
and Kincheloe, CC., Concur.
Mueller, C., Absent.