

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

In the Matter of the Application of Cardwell)	
Lumber, Inc. for Approval of a Change of)	
Electrical Suppliers at its 5927 Highway 50 West,)	Case No. EO-2011-0052
Jefferson City, Missouri, Location from Union)	
Electric Company to Three Rivers Electric)	
Cooperative.)	

**JOINT LIST OF ISSUES,
STATEMENTS OF POSITION,
LIST OF WITNESSES,
ORDER OF OPENING STATEMENTS,
AND ORDER OF EXAMINATIONS**

COMES NOW the Cardwell Lumber Inc., and on behalf of all parties to this Case No. EO-2011-0052, respectfully submits this *Joint List of Issues, Statements of Position, List of Witnesses, Order of Opening Statements, and Order of Examinations*:

List of Issues

1. Is the location of the Ameren Missouri primary voltage metering device on the Cardwell Tract structures, or adjacent to the Cardwell Tract structures, for purposes of §393.106.1 RSMo (2000)?
2. Does Cardwell Lumber have a reason or reasons other than a rate differential for changing electric power suppliers from Ameren Missouri to Three Rivers Electric Cooperative?
3. If so, are any of these reasons for changing suppliers in the public interest?

Statements of Position

Cardwell Lumber

1. The Ameren Missouri metering device is located on an Ameren Missouri pole in the Northwestern corner of the Cardwell Tract. It is not located on a

Cardwell building, mechanical installation, machinery or apparatus. It is separated from the nearest Cardwell structure by approximately 50 feet, and from the furthest Cardwell structure by several hundred feet. Ameren's metering device is not believed by Cardwell to be adjacent to, adjoining without intervening space, or touching any Cardwell structure.

2. Cardwell's primary voltage facilities are owned by Cardwell. The Cardwell facilities include at least 10 electrical poles, 18 transformers in both single phase and three phase transformer banks, and the electrical wires and support wires attached to these poles. The parties have stipulated that these facilities are in need of repair or replacement. Cardwell is not in the electricity business. The special operations, repair, and restoration of service after outages for a primary voltage system are outside of Cardwell's expertise. In attempting to coordinate these operations, repair, and service restorations with Ameren Missouri, Cardwell has experienced unacceptable outside vendor expenses, a lack of expected service and cooperation from Ameren Missouri, and unacceptable outage conditions that adversely affects Cardwell's business. Cardwell is concerned about the safety of its system, the liability associated with this system, and about Cardwell's compliance with OSHA regulations found at 29 CFR 1910.269. Cardwell prefers to eliminate its primary voltage system and replace it with one to be owned and/or maintained by a rural electric cooperative. Cardwell prefers to start a new relationship with Three Rivers Electric Cooperative, rather than start a new relationship with Ameren Missouri.

3. Yes.

Ameren Missouri

1. Ameren Missouri's primary voltage metering device is located adjacent to the Cardwell Tract structure.
2. Ameren Missouri does not believe Cardwell Lumber has a reason other than rate differential for changing electric power suppliers.
3. Ameren Missouri does not believe it is in the public interest for Cardwell Lumber to change electric power suppliers.

Staff

1. The Ameren Missouri primary voltage metering device is located directly adjacent to the Cardwell Tract.
2. It is Staff's position that Cardwell Lumber has not demonstrated any sufficient reason or reasons other than a rate differential for changing electric power suppliers from Ameren Missouri to Three Rivers Electric Cooperative. Due to the unique setup and relatively poor condition of the electric facilities present on Cardwell's side of the primary meter Staff believes that it would be in the best interest of Cardwell to enter into an arrangement to address these concerns; however, Staff believes that Ameren Missouri can address such concerns as readily as Three Rivers, economic considerations notwithstanding and, therefore, that Ameren Missouri has the right to continue to serve Cardwell pursuant to Missouri law. It is Staff's position that under Ameren Missouri's (AmerenUE's) tariffs any estimate rendered pursuant to request for an enlargement or modification of Ameren Missouri's distribution system constitutes a "rate," and as such, any difference in like estimates amounts to a

“rate differential” as used in Sections 393.106 and 394.315, RSMo (2000) and is to be excluded from the public interest analysis conducted pursuant to a change of supplier request.

Three Rivers

No positions at this time.

OPC

No positions at this time

List of Witnesses

Cardwell Lumber: Mark Cardwell

Ameren Missouri: David Hagan

Staff: Alan Bax

Three Rivers: None.

OPC: None

Order of Opening Statements

Cardwell Lumber

Ameren Missouri

Staff

Three Rivers

OPC

Order of Examinations

Mark Cardwell: Cardwell Lumber (direct), Three Rivers, OPC, Staff, Ameren Missouri

David Hagan: Ameren Missouri (direct), Staff, OPC, Three Rivers, Cardwell Lumber

Alan Bax: Staff (direct), Ameren Missouri, OPC, Three Rivers, Cardwell Lumber

WHEREFORE, Cardwell Lumber, Inc. submits this *Joint List of Issues, Statements of Position, List of Witnesses, Order of Opening Statements, and Order of Examinations* on behalf of all parties to this Case No. EO-2011-0052.

Respectfully submitted,

/s/ Craig S. Johnson
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 9th day of November, 2010:

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