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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Jack Hearrell for a Change of Electric)
Supplier from White River Valley Electric) Case No. EO-2000-346
Cooperative, Inc., to The Empire District)
Electric Company.)

ORDER AUTHORIZING CHANGE OF ELECTRIC SERVICE PROVIDER

Mr. Jack Hearrell (Applicant) filed an Application for Change of Electric Service Provider on November 29, 1999. The application indicates that the Applicant desires a change of electric suppliers from the White River Valley Electric Cooperative, Inc. (White River), to The Empire District Electric Company (Empire). The Applicant states that the reason for the change is related to development within the city limits of Branson, Missouri. The Applicant further states that each electric utility is in agreement with the change.

On December 10, 1999, the Commission issued an order and notice making White River and Empire parties to the case and providing notice to them; allowing an intervention period for any other potential parties; directing responses from White River, Empire, and the Commission's Staff; and ordering a more detailed explanation from the Applicant supporting the change of electric supplier sought by the Applicant.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard.

If no proper party is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary and that the applicant may submit its evidence in support of the application by verified statement. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). In this case, no additional persons or entities sought intervention and no party has requested a hearing.

On January 3, 2000, the Applicant filed a First Amended Application for Change of Electric Service Provider that provided additional detail to support the application as ordered by the Commission. On January 4, 2000, Empire filed its response and indicated that it believed the change of electric service provider is in the public interest and that it is ready, willing and able to provide the service requested. On January 5, 2000, White River filed its Entry of Appearance and Statement of Position and stated that it did not oppose the application and that a change in electric service provider is in the public interest based on enhancement of public safety and utility efficiency. On January 24, 2000, the Commission's Staff filed its recommendation in support of the application.

The application and subsequent filings show that the proposed change in electric supplier is uncontested. In this case, the Applicant desires to develop his property, located in Branson, Missouri, with new structures consisting of a planned timeshare development of 320 units. The existing White River line serves three existing structures on this property. The new development will require the removal of the existing White River service line.

White River is not permitted to set new meters within the Branson city limits according to Sections 394.020(3) and 394.080.1(4), RSMo 1994. Empire has facilities in the area and is a position to provide electrical service. Approving the application will allow White River to abandon its existing lines that must be removed for the planned development and avoid the cost of building new facilities to serve the three existing structures on the Applicant's property.

The Commission may act on this application and approve a change of electric supplier provided that such a change would be in the public interest for a reason other than a rate differential. Section 394.315, RSMo 1994, and 4 CSR 240-2.060(12)(H). The Commission finds that the proposed transfer of service is in the public interest for a reason other than a rate differential.

IT IS THEREFORE ORDERED:

1. That change of electric service provider proposed by Jack Hearrell is approved.
2. That the White River Valley Electric Cooperative, Inc., and The Empire District Electric Company are authorized to take all actions necessary to effect the change in electric service provider.

3. That this order shall become effective on February 14, 2000.

4. That this case may be closed on February 15, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1)
(November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 1st day of February, 2000.