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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of the City)
of Rolla, Missouri, for an Order Assigning)
Exclusive Service Territories and for Deter-)
mination of Fair and Reasonable Compensation)
Pursuant to Section 386.800, RSMo 1994.)
Case No. EA-2000-308

ORDER DIRECTING NOTICE AND
ADDING A PARTY

On October 29, 1999, the City of Rolla, Missouri (City), filed an application with the Commission seeking an order pursuant to Section 386.800, RSMo 1994, assigning exclusive service territories and determining fair and reasonable compensation. According to its application, the area concerned is a tract containing approximately 1,350 acres, recently annexed by the City, and presently provided electric service by Intercounty Electric Cooperative Association (Cooperative).

In its application, City requests that the Commission make the Cooperative a party to this action. Because the Cooperative is a necessary party to a full and fair adjudication of this matter, and in view of the fact that Section 386.800 grants jurisdiction to the Commission to determine this matter, the Commission will add the Cooperative as a party to this case.

Section 386.800 provides that this matter must be determined within 120 days of the filing of the application. Therefore, the Commission will proceed with this case expeditiously and, if there are

no requests for a hearing, relief may be granted based on the verified petition. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d, 494, 496 (Mo. App. 1989).

The Commission finds that proper persons should be allowed 30 days from the issuance of this order to file a motion for hearing or an application to intervene. The Commission determines that notice of this Application should be given by the Commission's Records Department to the County Commission of Phelps County, Missouri. The Commission further determines that the Information Officer of the Commission should provide notice of this Application to the members of the General Assembly representing Phelps County and to the newspapers which serve Phelps service areas as listed in the newspaper directory of the current Official Manual of the State of Missouri. Finally, the City shall provide notice to each affected landowner as directed in the ordered paragraphs below.

IT IS THEREFORE ORDERED:

1. That Intercounty Electric Cooperative Association is made a party to this case. Intercounty Electric Cooperative may file its responsive pleading, if any, within 30 days of the date of this order. The Records Department shall send a copy of this Order, as well as a copy of the Application filed by the City of Rolla, Missouri, to:

Intercounty Electric Cooperative Association
P.O. Box 209
Licking, Missouri 65542-0209

2. That any party wishing to request a hearing or to intervene in this matter shall file an application no later than December 3, 1999, with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Gary W. Duffy, Esq.
Brydon, Swearingen & England, P.C.
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, Missouri 65102

and:

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

3. That the Records Department of the Commission shall send notice of this Application to the County Commission of Phelps County, Missouri.

4. That the Information Officer of the Commission shall provide notice of this Application to the members of the General Assembly representing persons residing within Phelps County, Missouri, and to the newspapers which serve Phelps County, Missouri, as listed in the newspaper directory of the current Official Manual of the State of Missouri.

5. That the City of Rolla, Missouri, shall provide notice to each affected landowner substantially as set out below, by First Class United States Mail, within 10 days of the date of this Order.

NOTICE

The City of Rolla, Missouri, has commenced an action before the Missouri Public Service Commission (PSC), seeking an Order assigning certain territory, recently annexed by the City, as the exclusive service territory of the City for the provision of electrical service and fixing the fair and reasonable amount of compensation to be paid by the City to Intercounty Electric Cooperative Association for its facilities in the affected area. Requests to intervene must be received at the PSC no later than December 3, 1999:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

Interested persons may also wish to contact the Office of the Public Counsel:

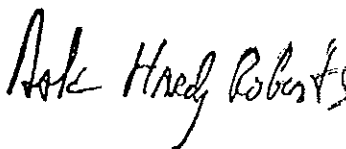
Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

6. That the City of Rolla, Missouri, need not submit a feasibility study in support of its application.

7. That this order shall become effective on November 16, 1999.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Kevin A. Thompson, Deputy Chief
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 3rd day of November, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION