

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service Commission held at its office in Jefferson City on the 1st day of September, 1992.

In the matter of Sho-Me Power Corporation's tariffs to increase rates for wholesale service.

Case No. ER-91-298

In the matter of the application of Sho-Me Power Corporation for an order requesting the Commission to issue its order finding that it is reasonable and prudent for Sho-Me Power Corporation to be a member of the rural electric cooperative system of the State of Missouri, including membership in Associated Electric Cooperative, Inc. and Sho-Me Power Corporation to honor the Electric Power Coordination Agreement between Associated Electric Corporation and for Sho-Me Power Corporation which takes into consideration Sho-Me Power Corporation's position as an integral part of the REA financed rural electric cooperative system of the State of Missouri.

Case No. EO-92-60

In the matter of Sho-Me Power Electric Cooperative's conversion from a Chapter 351 corporation to a Chapter 394 rural electric cooperative.

Case No. EO-92-229

## ORDER ESTABLISHING PROCEDURAL SCHEDULE

On March 28, 1991, Sho-Me Power Corporation (Sho-Me) submitted tariffs reflecting an increase of approximately \$2.3 million in charges for electric service provided to wholesale customers in the Missouri service area of Sho-Me. Hearings were held October 15-17, 1991, and the Commission issued its Report and Order on February 13, 1992. On February 21, 1992, the Staff of the Missouri Public Service Commission (Staff) filed a Motion for Clarification and Sho-Me filed a Motion for Rehearing, Clarification and Extension of Time to File Tariffs. On March 13, 1992, Sho-Me submitted Articles of Conversion converting

Sho-Me from a corporation to a rural electric cooperative and a Certificate of Conversion, issued on March 10, 1992, by the Office of the Secretary of State, converting Sho-Me from a corporation, pursuant to Chapter 351, RSMo 1986, to a rural electric cooperative, pursuant to Chapter 394, RSMo 1986. At that time, Sho-Me requested that the Commission close Case Nos. ER-91-298 and EO-92-60 asserting that as Sho-Me was a rural electric cooperative the Commission no longer had jurisdiction over Sho-Me.

Upon receipt of Sho-Me's March 13, 1992 filings, the Commission established Case No. EO-92-229 to determine if the Commission continued to have jurisdiction over Sho-Me. The Commission, anticipating that this question would be quickly resolved, essentially placed Case Nos. ER-91-298 and EO-92-60 in abeyance until the resolution of Case No. EO-92-229. On June 15, 1992, a prehearing conference was held in Case No. EO-92-229 wherein the parties requested a 60-day delay to allow Sho-Me and the intervenors in that proceeding to attempt to resolve their differences. On July 1, 1992, the Commission issued an order staying the proceedings in Case No. EO-92-229 and ordering Sho-Me and the intervenors to file, on or before August 14, 1992, pleadings indicating the progress made in the time provided. On August 13, 1992, the intervening municipalities of Cabool, Houston, Richland, Salem, St. Robert, Waynesville, Willow Springs, Winona, Lebanon, and Ava filed a response to the July 1, 1992 order stating: (1) that the municipalities of Houston, Ava, Willow Springs and Lebanon will continue to seek a contractual resolution with Sho-Me and will not pursue their involvement in this proceeding; (2) that the municipalities of Cabool and Winona were unable to reach a contractual agreement with Sho-Me and will continue their intervenor status in this proceeding; and (3) that the municipalities of Waynesville, Salem and St. Robert have not reached a decision

on the matter due to the scheduling of their City Council meetings, but will report their position to the Commission in a supplemental pleading before the end of August. As of this date, Sho-Me has failed to file a response as directed in the Commission's July 1, 1992 order. On August 13, 1992, Staff filed a Motion for Clarification and/or Compliance Filing pursuant to the Commission's order of February 13, 1992.

At this time, the Commission determines, to avoid further confusion, that Sho-Me's Motion for Rehearing, Clarification and Extension of Time to File Tariffs and Staff's Motion for Clarification filed on February 21, 1992 should be denied. As to Staff's August 13, 1992 request for clarification and direction as to how to proceed in these proceedings, the Commission recognizes that without Sho-Me's cooperation, Staff is unable to file an agreement on the location of ownership, use, cost, expense and revenues associated with Sho-Me's provision for electric service pursuant to the February 13, 1992 Report and Order. The Commission, therefore, relieves Staff of the obligation to comply with that order at this time. The Commission further determines that as Sho-Me continues to assert that the Commission has no jurisdiction over it, has failed to file any pleadings in Case No. EO-92-229 as directed by the July 1, 1992 Commission order, and has failed to comply with the February 13, 1992 Report and Order, a procedural schedule should be established to expedite the resolution of Case No. EO-92-229. As part of the proceedings, Staff may raise the issue of Sho-Me's continual failure to comply with the Commission's orders.

**IT IS THEREFORE ORDERED:**

1. That the Motion for Clarification filed by the Staff of the Missouri Public Service Commission filed February 21, 1992 be, and is, hereby denied.

2. That the Motion for Rehearing, Clarification and Extension of Time to File Tariffs filed by Sho-Me Power Corporation be, and is, hereby denied.

3. That the Staff of the Missouri Public Service Commission is hereby relieved of its obligation to file an agreement on the allocation of the ownership, use, cost, expense and revenues associated with Sho-Me Power Corporation's provision for electric service pursuant to the Commission's February 13, 1992 Report and Order.

4. That the following procedural schedule be, and is, hereby adopted:

All parties direct	-	September 21, 1992
All parties rebuttal and cross rebuttal	-	October 2, 1992
Prehearing conference	-	October 7, 1992
Evidentiary Hearing	-	October 7-8, 1992

The prehearing conference will commence at 9:00 a.m. with the hearing following immediately thereafter in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri 65101.

5. 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., Mueller, Rauch  
and Kincheloe, CC., Concur.  
Perkins, C., Absent.

STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this \_\_\_\_\_ 1st day of \_\_\_\_\_ September \_\_\_\_\_, 1992

*Brent Stewart*

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Brent Stewart  
Executive Secretary