

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

FILED

SEP 2 1999

Missouri Public
Service Commission

In the Matter of the Application of Union)
Electric Company d/b/a AmerenUE and)
Ozark Border Electric Cooperative for)
Approval of a Written Territorial)
Agreement Designating the Boundaries of)
Each Electric Service Supplier within)
Portions of Bollinger, Butler, Carter,)
Dunklin, Iron, Madison, New Madrid,)
Reynolds, Ripley, Stoddard and Wayne)
Counties, Authorizing the sale, Transfer,)
and Assignment of Certain Electric)
Distribution Facilities, Easements and)
Other Rights, Generally Constituting the)
Applicants' Electric Utility Business)
Associated with its Customers Transferred)
Pursuant to the Territorial Agreement.)

Case No. EO-99-599

**PROPOSED LIST OF ISSUES, ORDER OF WITNESSES AND ORDER OF
CROSS-EXAMINATION**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), on its own behalf and on behalf of all other parties to this case, and respectfully submits the following Proposed List of Issues, Order of Witnesses and Order of Cross-Examination, for the evidentiary hearing in this case.

1. On June 16, 1999, Union Electric Company d/b/a AmerenUE ("AmerenUE"), a regulated utility, and Ozark Border Electric Cooperative, Inc. ("Ozark Border"), hereinafter collectively known as "the Applicants," filed a Joint Application requesting, *inter alia*, that the Missouri Public Service Commission ("Commission"): approve a Territorial Agreement between the Applicants, and grant the Applicants the authority, pursuant to the terms of said Territorial

Agreement, to change electric service providers for certain customers, and to transfer certain property.

2. On July 9, 1999, the Office of the Public Counsel ("Public Counsel") filed a Request for Local Public Hearing in Dexter, Missouri.

3. On July 13th, the City of Poplar Bluff, Missouri ("Poplar Bluff"), in response to an Order and Notice issued by the Commission on June 24, 1999, timely filed its Application to Intervene, Objection to Portions of Proposed Territorial Agreement, and Request for Show Cause Order.

4. On August 3, 1999, the Commission issued its Order Scheduling Local Hearing, setting the local hearing for August 19, 1999 (6:00 P.M.) at the Dexter High School auditorium, 1101 West Grant, Dexter, Missouri. The local hearing was held as ordered.

5. On August 4, 1999, the parties filed the following Revised Proposed Procedural Schedule:

Direct Testimony by Applicants	August 9, 1999
Local Public Hearing	August 19, 1999
Rebuttal Testimony (all parties except Applicants)	August 27, 1999
Statement of Issues	September 2, 1999
Surrebuttal/Cross-Surrebuttal (all parties)	September 9, 1999
Statement of Positions on the Issues (all parties)	September 13, 1999
Evidentiary Hearing	September 17, 1999

6. On August 10, 1999, the Commission issued an Order, which, *inter alia*, granted Poplar Bluff intervention in this docket and denied Poplar Bluff's motion for a show cause order.

7. On August 17, 1999, the Commission, in its Order Granting Reconsideration, Order Adopting Procedural Schedule, and Order Extending Date for Ruling on Application, adopted the procedural schedule set forth hereinabove. The Order further directed the parties to agree upon a list of issues to be presented in this case, a proposed order for the presentation of the witnesses, and a proposed order of cross-examination for each of the witnesses, and directed Staff to file this information by September 2, 1999.

8. On August 31, 1999, the Commission granted the City of Malden ("Malden"), Missouri's August 16, 1999 request to intervene in this docket. Also on August 31st, the Commission, citing scheduling conflicts, issued its Order Changing Date of Evidentiary Hearing, wherein said hearing was rescheduled to Wednesday, September 22, 1999 at 9:00 AM.

9. Pursuant to the aforementioned August 17th Order, the parties have filed direct and rebuttal testimony. Following a series of discussions, the parties have identified the following issues for decision by the Commission and have agreed upon the following order of witnesses and order of cross-examination.

I. LIST OF CONTESTED ISSUES

- A. Is the territorial agreement and associated agreement to exchange customers and facilities ("Agreement") entered into by AmerenUE and Ozark Border in the public interest?**
- B. If not voluntarily modified by the parties to the Agreement prior to the close of the hearing in this case, should the Agreement be rejected for failure to make clear that its establishment of exclusive service territories and other provisions do not affect the present or future rights of municipally owned electric utilities that operate within the areas covered by the Agreement and that are not parties to the Agreement?**

II. ORDER OF WITNESSES

A. AmerenUE

1. Doug Groesbeck

B. Ozark Border

1. Stanley Estes

C. Staff

1. James L. Ketter
2. Stephen M. Rackers

D. Public Counsel

1. Barbara A. Meisenheimer

E. Poplar Bluff

1. Doug Bagby

F. Malden

1. David Darnell

III. ORDER OF CROSS-EXAMINATION

A. AmerenUE Witness

1. Ozark Border
2. Staff
3. Poplar Bluff/Malden
4. Public Counsel

B. Ozark Border Witness

1. AmerenUE
2. Staff
3. Poplar Bluff/Malden
4. Public Counsel

C. Staff Witnesses

1. AmerenUE
2. Ozark Border
3. Poplar Bluff/Malden
4. Public Counsel

D. Public Counsel Witness

1. Poplar Bluff/Malden
2. Staff
3. AmerenUE
4. Ozark Border

E. Poplar Bluff Witness

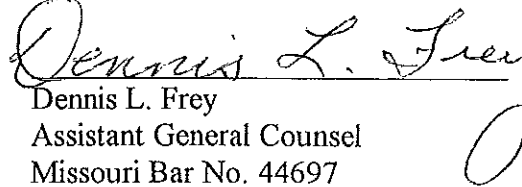
1. Public Counsel
2. Staff
3. AmerenUE
4. Ozark Border

F. Malden Witness

1. Public Counsel
2. Staff
3. AmerenUE
4. Ozark Border

Respectfully submitted,

DANA K. JOYCE
General Counsel


Dennis L. Frey
Assistant General Counsel
Missouri Bar No. 44697

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 2nd day of September 1999.

Dennis L. Frey

**SERVICE LIST FOR
CASE NO: EO-99-599
September 2, 1999**

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