

**NEWMAN, COMLEY & RUTH**

PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
MONROE BLUFF EXECUTIVE CENTER  
601 MONROE STREET, SUITE 301  
P.O. BOX 537  
JEFFERSON CITY, MISSOURI 65102-0537

TELEPHONE: (573) 634-2266  
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD  
MARK W. COMLEY  
CATHLEEN A. MARTIN  
STEPHEN G. NEWMAN  
JOHN A. RUTH  
D. GREGORY STONEBARGER  
ALICIA EMBLEY TURNER

April 2, 2001

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED<sup>2</sup>**  
APR 2 2001  
Missouri Public  
Service Commission

Re: Case No. EA-2000-308

Dear Judge Roberts:

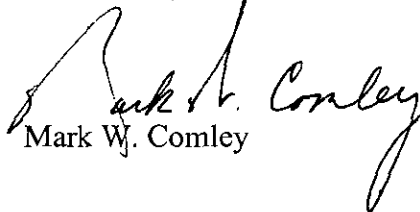
Enclosed for filing in the referenced matter please find the original and eight copies of Intercounty Electric Cooperative's Response to the City of Rolla's Application for Rehearing.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley

MWC:ab

Enclosure

cc: Office of Public Counsel  
Denny Frey  
Gary W. Duffy  
Michael R. Dunbar  
Vernon W. Strickland

FILED<sup>3</sup>

APR 02 2001

Missouri Public  
Service Commission

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 Determination of Fair )  
and Reasonable Compensation Pursuant to )  
Section 386.800, RSMo 1994. )  
)

Case No. EA-2000-308

**INTERCOUNTY ELECTRIC COOPERATIVE'S  
RESPONSE TO THE CITY OF ROLLA'S  
APPLICATION FOR REHEARING**

Comes now Intercounty Electric Cooperative Association (Intercounty) and in response to the City of Rolla's Application for Rehearing in this matter respectfully submits the following to the Commission:

1. In its application for rehearing of the Commission's Report and Order issued on March 15, 2001, the City of Rolla (Rolla) objects to paragraphs in the Report and Order which assign service territory between the Rolla and Intercounty. Rolla argues that the assignments of territory made by the Commission in its Report and Order restate the effect of governing statutes, including §§386.800 and 392.315 RSMo. Since this is the case, Intercounty argues that there is nothing invalid about the Report and Order. Intercounty contends that the matters advanced in Rolla's application for rehearing do not rise to a level which requires modification of the Report and Order. The findings and conclusions of the Report and Order are legally satisfactory and proper as written. Accordingly, Intercounty suggests that the application for rehearing be denied.

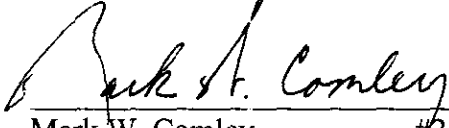
2. In its review of the Commission's Report and Order, Intercounty did discover a matter which should be clarified. At mid-page of page 18 of the Report and Order, where the Commission was stating its findings of fact, the Commission wrote: "The negotiation period expired on September 3, 1999, and Intercounty filed its application with the Commission on October 29,

1999." The pleadings will confirm that it was the City of Rolla, rather than Intercounty, which filed the application in this case on October 29, 1999.

WHEREFORE, on the basis of the foregoing, Intercounty respectfully requests that the Commission deny Rolla's application for rehearing.

Respectfully submitted,  
NEWMAN, COMLEY & RUTH, P.C.

By:

  
Mark W. Comley #28847  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 FAX  
[comleym@ncrpc.com](mailto:comleym@ncrpc.com)

Attorneys for Intercounty Electric Cooperative  
Association

Certificate of Service

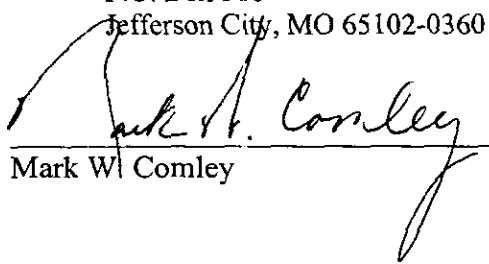
I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand delivered, on this 2<sup>nd</sup> day of April, 2001, to:

Gary W. Duffy  
Brydon, Swearingen & England  
P.O. Box 456  
Jefferson City, MO 65102-0456

Office of Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

Michael R. Dunbar  
Smith Dunbar Turkey  
P.O. Box 494  
Waynesville, MO 65583

Denny Frey  
Office of General Counsel  
P.O. Box 360  
Jefferson City, MO 65102-0360

  
Mark W. Comley