

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

In the Matter of the Application of)	
JERRY WEST and SHARON WEST)	Case No. EO-2009-0272
for Change Of Electric Supplier for Part)	
of their Property.)	

**CUIVRE RIVER ELECTRIC COOPERATIVE INC.'S MOTION
TO FILE RESPONSE AFTER EXPIRATION OF DEADLINE**

COMES NOW Cuivre River Electric Cooperative Inc., (“Cuivre”) by and through its attorneys of record Andereck, Evans, Milne, Widger, and Johnson, L.L.C., pursuant to 4 CSR 240-2.050, and for its Motion to File Response After Expiration of Deadline, states as follows:

1. On March 24, 2009, the Commission issued and made effective its Order Soliciting Conflict Dates and Information on Electrical Supply. Therein, the Commission ordered that Cuivre file conflict dates for a pre-hearing in this case and a statement identifying the entity that after April 15 supply electricity to the Wests by no later than April 8, 2009.

2. Cuivre has not filed a Response to the Commission’s Order but desires to file a Response.

3. Cuivre’s failure to act within the time prescribed for the filing of a response was a result of excusable neglect and that good cause exists for the Commission to allow Cuivre to file its response in the form of the Response of Cuivre (attached hereto as “Exhibit A”) out of time.

5. Cuivre’s counsel failed to comply with the Commission’s deadline to file its response in a timely fashion due to their failure to consult with the member of Cuivre’s management team responsible for this matter due to being out of state.

6. That this inability to consult constitutes “excusable neglect” on the part of Cuivre in that the failure to file a response to the Commission’s Order was unavoidable.

7. No party will be harmed by the granting of this motion.

**ANDERECK, EVANS, MILNE,
WIDGER & JOHNSON, L.L.C.**

By /s/ Andrew J. Sporleder
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**ATTORNEYS FOR CUIVRE RIVER
ELECTRIC COOPERATIVE, INC.**

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was served electronically or mailed via U.S. Mail, postage prepaid, this 9th day of April, 2009 to:

Office of General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102

Lewis Mills
Office of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102

Wendy Tatro
Associate General Counsel
Ameren Services
1901 Chouteau Avenue
P.O. Box 66149, MC 1310
St. Louis, MO 63166

Jerry and Sharon West
7333 Weldon Spring Road
Dardenne Prairie, MO 63368

/s/Andrew J. Sporleder
Andrew J. Sporleder

EXHIBIT "A"

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STATE OF MISSOURI**

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JERRY WEST and SHARON WEST) Case No. EO-2009-0272
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**RESPONSE of CUIVRE RIVER ELECTRIC COOPERATIVE INC.
TO ORDER SOLICITING CONFLICT DATES
AND INFORMATION ON ELECTRICAL SUPPLY**

COMES NOW Cuivre River Electric Cooperative Inc., ("Cuivre") by and through its attorneys of record Andereck, Evans, Milne, Widger, and Johnson, L.L.C., and for its Response to the Order of the Commission soliciting conflict dates and information on supply of electric power, states as follows:

1. Cuivre is currently not available on April 13, 14, 16, 17, 20, 22, 27 and May 7.
2. Cuivre will continue to provide temporary electric service to the Wests pending the resolution of this case.
3. The higher energy demands of operating air conditioning units will require that Cuivre install a new transformer with a higher capacity than the present transformer before the summer season. Cuivre intends to recoup the costs of setting this new transformer from one or both of the other parties to this case prior to the new transformer being installed.

**ANDERECK, EVANS, MILNE,
WIDGER & JOHNSON, L.L.C.**

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