

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 7th
day of September, 1999.

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, Dunklin, Carter, Dunklin, Iron,)	
Madison, New Madrid, Reynolds, Ripley)	Case No. EO-99-599
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)	

ORDER GRANTING APPLICATION TO INTERVENE
AND GRANTING MOTION TO INTERVENE OUT OF TIME

On June 16, 1999, Union Electric Company d/b/a AmerenUE (AmerenUE) and Ozark Border Electric Cooperative (Ozark Border) (jointly, Applicants) filed their Joint Application for approval of their agreement contained in a document entitled Territorial Agreement (territorial agreement).

On June 24, 1999, the Missouri Public Service Commission (Commission) entered its Order and Notice, stating, *inter alia*, that proper parties should be given notice and an opportunity to intervene.

(3) If the Stoddard County Intervenor can show good cause for the late filing, would granting their intervention serve the public interest? Commission rule 4 CSR 240-2.075(4) states in part: "The [public service] commission may permit intervention on a showing that... [g]ranteeing the proposed intervention would serve the public interest...."

The Stoddard County Intervenor stated that the residents of Stoddard County affected by the territorial agreement received a notice from Ozark Border around July 2, 1999. The letter stated, *inter alia*, "...[a]s a customer...that is being effected (*sic*) by the Territorial Agreement[,] you have the right to intervene in this case [no later than July 14, 1999]." The letter also stated that "[a]nyone wishing to intervene must submit an application to intervene...."

The Stoddard County Intervenor stated that the letter does not specifically inform the member that he or she will become a customer of AmerenUE (i.e., if the Applicants are successful in having their territorial agreement approved).

The Stoddard County Intervenor stated that the notice gave them the "...impression that if they submitted their opposition in writing to the Public Service Commission by July 14, 1999, [that] they had effectively intervened." The Stoddard County Intervenor stated that the members receiving this notice were not aware that an application to intervene filed by an attorney was necessary until it was pointed out to them at the local public hearing held on August 19, 1999.

The Applicants stated that Ozark Border provided an 800 telephone number to allow its members to contact Ozark Border at no cost to the member; members could then ask questions regarding the territorial agreement and how it would affect them.

The Applicants stated that there is nothing in the motion to intervene out of time which indicates that the Stoddard County Intervenor have raised issues which are different from that of the general public. The Applicants continued that this is "especially true since AmerenUE and Ozark Border, Commission Staff and the Office of the Public Counsel have...[agreed] that no Ozark Border member will be exchanged to AmerenUE in the proposed Territorial Agreement." No details of the "agreement and stipulation in principle" were furnished with Applicants' pleading.

The Applicants stated that at the local public hearing on August 19, 1999, in Dexter, Missouri, the Commission took "the testimony of the effected (sic) customers of the proposed exchange." Included in those testifying, the Applicants stated, were some of the Stoddard County Intervenor who "have had an opportunity to address the Commission and express their concerns regarding the exchange of customers." As a result of the local public hearing, the Applicants stated that "the parties...have entered into additional negotiations to modify the [territorial] agreement." No other details were provided by Applicants.

The Applicants stated that at the local public hearing, "it was the comments of Senator [Jerry] Howard who suggested that the effected (sic) customers hire an attorney to participate...."

2. That the motion for leave to intervene out of time filed by the Stoddard County Intervenor is granted on a showing of good cause.

3. That this order shall become effective on September 17, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur
Schemenauer, C., absent

Hopkins, Senior Regulatory Law Judge