

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 10th day of June, 1994.

In the matter of the application of)
Union Electric Company and Cuivre)
River Electric Cooperative, Inc. for)
approval of change in supplier for)
reasons in the public interest.)
Case No. EO-94-281

ORDER APPROVING CHANGE IN SUPPLIER

On March 14, 1994, Union Electric Company (UE) and Cuivre River Electric Cooperative, Inc. (Cuivre River) filed a Joint Application pursuant to Section 394.315 and 393.16 RSMo 1993, in which the Joint Applicants sought an order of the Commission approving the change in electric suppliers for one hundred and twenty-four structures (124) located in the Cave Springs Estates Subdivision in St. Peters, Missouri. The applicants requested that the service for these residents be transferred from Cuivre River to Union Electric.

On March 25, 1994, the Commission issued its Order and Notice which set an intervention date of April 25, 1994, scheduled a prehearing conference for May 2, 1994 and directed that notice of the application be issued.

On May 5, 1994, Cuivre River filed an Affidavit reflecting that a notice had been sent pursuant to the Commission's order of March 25, 1994 and this Affidavit further set out the content of the notice and the parties to whom it was sent. On May 6, 1994, the parties filed a Stipulation and Agreement in which they proposed to dispose of all the issues within this case. The signatories to the Stipulation and Agreement

were Union Electric, Cuivre River, the Staff of the Missouri Public Service Commission (Staff) and the Office of the Public Counsel (Public Counsel).

Since no proper party filed an application to intervene and there are no outstanding requests for hearing, the Commission determines that an oral hearing is not necessary. ***State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission***, 776 S.W.2d 494, 496 (Mo. App. 1989).

Cave Springs Subdivision is jointly served by UE and Cuivre River. The Cuivre River portion is served by two (2) extended feeders which are within the corporate city limits. These are referred to as the Muegge Road feed and the Spencer Road feed. Cuivre River has transferred the Muegge Road facilities to UE as approved by the Commission in Case No. EO-93-285. The Spencer Road feed is largely underground and will be without an alternate source of supply after the transfer of the Muegge Road feeder is completed. A fault in the Spencer Road Feed could result in an extended outage to Cuivre River's Cave Spring Estates customers since no other source of supply would then be available. UE and Cuivre River feel that it would be in the best interest of the public to transfer these facilities and accounts from Cuivre River to UE at this time. Since the subdivision involved is jointly served by both utilities, any inconveniences due to the change should be temporary and minimal.

The applicants do not propose any exchange of consideration as part of the request for approval of a change of supplier at this time. For the tax year of 1993, Cuivre River paid approximately one thousand one hundred ninety-one dollars and ninety-two cents (\$1,191.92) in personal property taxes for the facilities located in Cave Springs Estates which are being transferred. The applicants believe that the tax to be paid by UE on the transferred property will exceed that amount paid by Cuivre River.

The Commission has reviewed the Application, the Stipulation and Agreement and all other documents contained in this file and having done so the Commission makes the following findings. The Commission finds that none of the parties shall be deemed to have approved or acquiesced in any ratemaking principle or method of cost determination or cost allocation underlying or allegedly underlying the Stipulation and Agreement herein. The Commission finds that the change of supplier requested herein is in the public interest for reasons other than rates. The Commission finds that the change in supplier may avoid extended outages to the residences involved due to the fault in the Spencer Road feed and the fact that no other source of electrical supply is available under the current service arrangement. The Commission finds that it would be appropriate for UE and Cuivre River to file with the Executive Secretary of the Commission a transfer notice within ten (10) days of the date that the transfer actually occurs and the Commission will so order. The Commission finds and concludes that it has the authority to accept a Stipulation for the disposition of a case pursuant to Section 536.060 RSMo 1986.

IT IS THEREFORE ORDERED:

1. That one hundred and twenty-four (124) structures located in the Cave Springs Estates Subdivision in St. Peters, Missouri, as set out in the Application and in the Notice, shall have their service transferred from Cuivre River Electric Cooperative to Union Electric Company.

2. That within ten (10) days after the closing date of the transfer, Union Electric Company and Cuivre River Electric Cooperative, Inc. shall file with the Executive Secretary a Notice of such transfer.

3. That nothing in this order shall be considered as a finding of the Commission of the reasonableness of the value for ratemaking


purposes of the properties herein involved, or as an acquiescence in the value placed upon said properties.

4. That the Commission hereby approves the Stipulation and Agreement as filed by the parties on May 6, 1994.

5. That Union Electric may enter into, execute and perform in accordance with the terms of all other documents reasonably necessary to the performance of the change of supplier.

6. That this order shall become effective on June 20, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure and
Perkins, CC., Concur.
Kincheloe and Crumpton, CC.,
Absent.