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

In the matter of the joint application of The Empire )  
District Electric Company of Joplin, Missouri, and )  
the City of Carthage, Missouri, for approval of a )  
territorial agreement designating the boundaries of ) Case No. EO-95-48  
each electrical supplier within a certain area in )  
Jasper County, Missouri. )  
)

**ORDER AND NOTICE**

On August 16, 1994, The Empire District Electric Company (Empire) and The City of Carthage, Missouri (Carthage), hereinafter referred to as Applicants, pursuant to Sections 394.312 and 416.041.3, R.S.Mo. (Supp. 1993), filed a Joint Application requesting that the Commission schedule an evidentiary hearing within the time allowed by statute for the purpose of determining whether the designation of service territory in the agreement is detrimental to the public interest, and that it thereafter issue a Report And Order approving such agreement and make such other findings as are appropriate under the circumstances (Application).

Applicants state that they have mutually agreed to displace competition between themselves as allowed by law and have set out the terms of their agreement in a document entitled "Territorial Agreement" (hereinafter, Territorial Agreement), which is attached to the Application and marked as Exhibit 1. The Territorial Agreement contains a map and legal descriptions which, according to the Application, represent the respective boundaries. Applicants request that the Commission find that their designation of an electric service area is not detrimental to the public interest and that the Commission approve implementation of the Territorial Agreement by Report And Order.

Upon review of the filing, the Commission is of the opinion that notice of this Application should be sent to interested parties, an intervention

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date set and an expedited procedural schedule established, as the Commission must rule on the Application within one hundred twenty (120) days from August 16, 1994 unless otherwise ordered by the Commission for good cause shown.

Rather than adopting a procedural schedule *sua sponte* at this time, the Applicants, Staff and the Office of the Public Counsel may file a proposed procedural schedule on or before August 30, 1994. If a proposed procedural schedule is filed, it should provide for the hearing to occur no later than November 3, 1994. If a proposed procedural schedule is filed on or before August 30, 1994, the Commission will consider such proposal prior to establishing the procedural schedule.

The Commission determines that notice of this Application should be given by the Commission's Records Department sending a copy of this order to the County Commission of Jasper County, Missouri. The Commission further determines that the Information Officer of the Commission should provide notice to the members of the General Assembly representing the Applicants' service areas and to the newspapers which serve Applicants' service areas as listed in the newspaper directory of the current *Official Manual of the State of Missouri*.

Proper persons wishing to intervene shall have twenty (20) days from the date of this order to file an application to intervene with the Executive Secretary of the Commission, Post Office Box 360, Jefferson City, Missouri 65102, and a copy of the application to intervene shall be sent to:

Myron McKinney  
Vice President - Customer Services  
The Empire District Electric company  
Post Office Box 127  
Joplin, Missouri 64802

Gary W. Duffy  
Brydon, Swearngen & England, P.C.  
Post Office Box 456  
312 East Capital Avenue  
Jefferson City, Missouri 65102-0456

David C. Dally  
Crandall & Dally  
341 South Main Street  
Post Office Box 411  
Carthage, Missouri 64836

**IT IS THEREFORE ORDERED:**

1. That the Records Department and Information Officer of the Missouri Public Service Commission be directed hereby to send notice as set forth in this order.

2. That any interested party wishing to intervene in this case shall file such intervention as set forth in this order on or before September 13, 1994.

3. That the Applicants, Staff and Public Counsel may file a proposed procedural schedule on or before August 30, 1994.

4. That this order shall become effective on the date hereof.

**BY THE COMMISSION**



David Rauch  
Executive Secretary

(S E A L)

Thomas H. Luckenbill, Deputy Chief  
Hearing Examiner, by delegation of  
authority under Commission Directive  
of August 16, 1994, pursuant to  
Section 386.240, R.S.Mo. 1986.

Dated at Jefferson City, Missouri,  
on this 22nd day of August, 1994.