BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI



In the Matter of the Joint Application of)
the City of Poplar Bluff, Missouri, and Ozark)
Border Electric Cooperative for Approval of a) Ca
Territorial Agreement Involving Three Areas in)
Butler County, Missouri)

) Case No. E0-98-143

ORDER CLOSING CASE

On March 4, 1999, the Commission issued its Order Directing Status Report requiring the City of Poplar Bluff, Missouri (Poplar Bluff) to file a status report no later than March 31, 1999, and every six months following March 31, 1999 until the completion of the approved transaction or until this case is closed. On March 30, 1999, Poplar Bluff filed its Status Report indicating that the report and order approving the territorial agreement in this case on December 31, 1997, is a final order of the Commission. Poplar Bluff also stated that the territorial agreement contemplated future annexations by the city.

The negotiation for several annexations pending at the time of the territorial agreement and additional annexations continue to be negotiated and are recounted in a simultaneous filing made in Case No. EO-97-348. Poplar Bluff stated in its Status Report that if the sale of those facilities is completed without controversy, the city believes that the basis for its current application under Section 386.800, RSMo, filed in Case No. EO-97-348, will become most and the city will at the appropriate time move to dismiss that case. Poplar Bluff stated also that it may file future applications pursuant to Section 386.800, RSMo,

applicable to the future annexations under the territorial agreement because the provisions of the statute allow a narrow time period in which to seek such applications.

Poplar Bluff stated that although it will comply with the Commission's order to file semi-annual status reports in this case, it is the city's position that this case should be closed at this time.

The Commission, after review of the Status Report filed by the City of Poplar Bluff, finds that no further action is required in this case, therefore, this case may be closed. Additional action may occur relating to the Commission's original order approving the territorial agreement; however, if additional approval is required by the Commission, the parties will need to file their application for approval in a separate case.

IT IS THEREFORE ORDERED:

1. That no further filings are expected in this case and this case may be closed.

2. That this order shall become effective on June 16, 1999.

BY THE COMMISSION

Hole Hred Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Shelly R. Register, Regulatory Law Judge, by delegation of authority pursuant to 4 CSR 240-2.120(1), (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 16th day of June, 1999.

COMMISSION COUNSELL EUBLIC SERVICE COMMISSION

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