

A:

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 3rd
day of December, 1998.

In the Matter of the Application of)	
The Empire District Electric Company)	
for a Certificate of Public Convenience)	
and Necessity Authorizing it to Construct,)	
Install, Own, Operate, Control, Manage)	<u>Case No. EA-99-172</u>
and Maintain an Electric Transmission)	
and Distribution System to Provide Electric)	
Service in an Area in Greene County,)	
Missouri.)	

ORDER REGARDING INTERVENTION AND
SCHEDULING EARLY PREHEARING CONFERENCE

On October 20, 1998, The Empire District Electric Company (Empire) filed an application with the Commission requesting a certificate of public convenience and necessity for authorization to construct, own and operate an electrical transmission and distribution system in an area of Greene County. The Commission issued an Order and Notice on October 23, 1998, which set an intervention date of November 23, 1998. A joint application to intervene was filed by Southwest Electric Cooperative (Southwest), Ozark Electric Cooperative (Ozark) and Webster Electric Cooperative (Webster) on November 16. An additional application to intervene was filed by the City of Springfield through the Board of Public Utilities (City Utilities of Springfield) on November 19.

Southwest, Ozark and Webster assert that they are cooperative corporations engaged in the business of supplying electric power and energy to persons and businesses located in portions of Greene County, including the area that is the subject of this case. Southwest, Ozark and Webster also assert that that as retail electric suppliers, they have invested substantial resources in planning, building and maintaining modern distribution facilities sufficient to provide safe, reliable and efficient service at reasonable costs to the public in the portions of Greene County which Empire seeks to serve.

City Utilities of Springfield asserts that it provides utility services to the public through the Board of Public Utilities of the City of Springfield. It further asserts that it already has electric facilities within the area sought by Empire, is already serving customers within this area and is capable of serving additional customers.

All four intervenors assert that they have a direct and substantial interest in this proceeding which is different from that of the general public and that granting the intervention would serve the public interest.

The Commission has reviewed the applications to intervene filed by Southwest, Ozark, Webster and City Utilities of Springfield and finds that they are in compliance with Commission rule 4 CSR 240-2.075(4) and that the applicants have an interest in this matter which is different from that of the general public. The Commission concludes that

the applications for intervention filed by Southwest, Ozark, Webster and City Utilities of Springfield should be granted.

The Commission will schedule an early prehearing conference so the parties can identify the issues in dispute and develop a proposed procedural schedule. The parties should be prepared to discuss the facts and stipulate to those facts that are not in dispute. The parties shall then file a recommended procedural schedule no later than one week following the prehearing conference.

IT IS THEREFORE ORDERED:

1. That the joint application to intervene filed by Southwest Electric Cooperative, Ozark Electric Cooperative and Webster Electric Cooperative is granted.

2. That the application to intervene filed by the City of Springfield through the Board of Public Utilities is granted.

3. That an early prehearing conference is now set in this matter for January 13, 1999, at 10:00 a.m. in the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

4. That the parties shall file a proposed procedural schedule no later than January 20, 1999.

5. That this order shall become effective on December 15,
1998.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION