

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 1st
day of July, 1992.

In the matter of Sho-Me Power Electric)
Cooperative's conversion from a Chapter)
351 corporation to a Chapter 394 Rural) Case No. EO-92-229
Electric Cooperative.)

ORDER STAYING PROCEEDING

On March 13, 1992, Sho-Me Power Cooperative (Sho-Me) filed a copy of the Articles of Conversion adopted by Sho-me Power Corporation which it filed with the State of Missouri's Secretary of State. Additionally, Sho-Me filed the Certificate of Conversion issued by the Secretary of State's office on March 10, 1992 converting Sho-Me from a corporation pursuant to Chapter 351, RSMo 1986 to a rural electric cooperative pursuant to Chapter 394, RSMo 1986. On March 25, 1992, the Commission issued an order and notice establishing an April 24, 1992 intervention deadline. On May 22, 1992, the Commission issued an order granting intervention to the Missouri municipalities of Cabool, Houston, Richland, St. Robert, Waynesville, Willow Springs, Winona, Ava, Lebanon and Salem (Intervenors). Additionally, the Commission established a prehearing conference for June 15, 1992.

As a result of the prehearing conference, the Staff of the Missouri Public Service Commission (Staff) filed a motion requesting that further substantive activity in this proceeding be delayed for thirty (30) to sixty (60) days from June 15, 1992 and that the Commission grant Staff authority to file a complaint against Sho-Me for its alleged violations of Section 393.190 and 393.250, RSMo 1986. In support of its motion, Staff states that, at the prehearing conference, counsel for the Intervenors stated that they have been

✓

negotiating with Sho-Me to reach a contractual agreement which will resolve their issues in this docket. Staff further states Intervenor request a delay in the proceedings for thirty (30) to sixty (60) days to facilitate their continuing negotiations. Staff further requests that the Commission order the Intervenor to file a pleading in this docket at the conclusion of their negotiations and, in any event, not later than sixty (60) days from June 15, 1992. Staff states all parties are in agreement with a thirty (30) to sixty (60) day delay in this proceeding.

Staff further requests that in the event that the Intervenor and Sho-Me are unable to reach an agreement within sixty (60) days, the Commission authorize it to file a complaint against Sho-Me for violations of Sections 393.190 and 393.250, RSMo 1986, and consolidate it with Case No. EC-92-22, a complaint case currently pending against Sho-Me which resulted from Case No. ER-91-298. In support of its request, Staff states that as set forth in its May 15, 1992 motion, it alleges that Sho-Me violated the above-stated sections by its failure to apply for, much less receive, Commission approval for its alleged conversion from an electric corporation to a rural electric cooperative.

Upon review of Staff's motion, the Commission is of the opinion that this proceeding should be delayed for a period of sixty (60) days from the June 15, 1992 prehearing conference to allow the Intervenor and Sho-Me time to continue their negotiations. The Commission determines that the Intervenor and Sho-Me should file pleadings in this docket on or before the expiration of the 60-day period informing the Commission of the outcome of said negotiations. The Commission further determines that at that time it will make a determination concerning Staff's request for authority to file a complaint against Sho-Me.

IT IS THEREFORE ORDERED:

1. That the proceedings in this docket be, and are, hereby stayed until August 14, 1992.

2. That on or before August 14, 1992, the Missouri municipalities of Cabool, Houston, Richland, St. Robert, Waynesville, Willow Springs, Winona, Ava, Lebanon, Salem and Sho-Me Power Cooperative shall file pleadings in this docket as set forth in this order.

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

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
Perkins and Kincheloe, CC., Concur.