

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Carol June Tyndall for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-295
)	
In the matter of the application of Gene Hunt for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-303
)	
In the matter of the application of Shirley Jones for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-312
)	
In the matter of the application of Norma Hull for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-313
)	
In the matter of the application of Tom Riley for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-314
)	
In the matter of the application of Abbott A. Williams for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-317
)	
In the matter of the application of David and Sharon Michael for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-319
)	
In the matter of the application of Elmer A. Scott for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-320
)	
In the matter of the application of Lurette K. Collins for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-321
)	
In the matter of the application of Craig and Pam Skinner for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-323
)	
In the matter of the application of Darrell Proctor for change of electric supplier.	)	<u>X</u> CASE NO. EO-93-333
)	

APPEARANCES:

Rodric A. Widger, Attorney at Law, Andereck, Evans, Milne, Peace & Baumhoer, 1111 South Glenstone, Springfield, Missouri 65808-4929, for Ozark Electric Cooperative, Inc.

Rex E. McCall, Attorney at Law, 301 East Central, Springfield, Missouri 65802, for City Utilities of Springfield, Missouri.

Lewis R. Mills, Jr., Deputy Public Counsel, P. O. Box 7800, Jefferson City, Missouri 65102, for the Office of the Public Counsel and the Public.

Thomas H. Luckenbill, Senior Counsel, and David Woodsmall, Assistant General Counsel, P. O. Box 360, Jefferson City, Missouri, for the Staff of the Missouri Public Service Commission.

Hearing

Examiner:

Elaine E. Bensavage

REPORT AND ORDER

Procedural History

Sixteen applications for change of electrical supplier were filed with the Missouri Public Service Commission during the period from April 12, 1993 to June 1, 1993, with the vast majority of the applications filed on May 19, 1993. All of the applicants live in the vicinity of Springfield, Missouri, all are presently being served by Ozark Electric Cooperative (Ozark), and all seek to change their electric supplier to City Utilities of Springfield, Missouri (City Utilities). On June 4, 1993, the Commission issued an Order and Notice notifying both electric suppliers of the applicants' applications and ordering the suppliers to file their response thereto. On July 2, 1993, a Motion To Dismiss And In The Alternative For More Definite Statement was filed by Ozark in all 16 cases. On July 6, 1993, City Utilities filed a response to the various applications, and on July 9, 1993 filed Suggestions In Opposition To Motion To Dismiss Or In The Alternative For More Definite Statement.

On October 22, 1993, the Commission issued an Order which denied Ozark's motions to dismiss, consolidated the 16 cases for purposes of hearing, and set a procedural schedule. The Order also set the hearing in Springfield, Missouri at the request of the applicants, and gave specific directions to the applicants regarding the prefiling of direct testimony, and included as an attachment an illustrative list of possible questions to include in their direct testimony. In addition, since most of the applicants had been deposed, the Order gave the applicants the option of filing their deposition in lieu of prefiled direct testimony, or of filing both. On November 1, 1993, Ozark filed responses to the various applications, and on November 3, 1993, City Utilities filed a reply. Ozark, City Utilities, and the Staff of the Commission (Staff) all submitted prefiled testimony. The Office of the Public Counsel (Public Counsel) and a few of the applicants did not submit prefiled testimony. Two of the 16

applicants voluntarily requested that their applications be withdrawn, and on December 23, 1993, the Commission issued Notices acknowledging the voluntary dismissals of applicants Grover T. Langle and Bob Endicott, and closing the dockets in Case Nos. EO-93-282 and EO-93-316 respectively. On January 27, 1994, a prehearing conference was held off the record, and the parties indicated there was no opportunity for settlement of any of the issues. A hearing commenced immediately thereafter. At the hearing, testimony was presented on behalf of the applicants who were present, Ozark, Staff, and City Utilities. Public Counsel did question some of the witnesses, but did not present any witnesses of its own. Ozark sought dismissal of three applicants who had previously failed to prefile their direct testimony and who failed to appear for either the prehearing conference or the hearing. Since these applicants were not present to offer any evidence in support of their applications, the applications of Larry E. Dye, Case No. EO-93-315, Roger Craven, Case No. EO-93-318, and Nolan E. Mattocks, Case No. EO-93-322 were dismissed by order of the Commission dated February 4, 1994. Briefs were filed by Ozark and Staff pursuant to the briefing schedule. No other party filed a brief.

Rulings

At the hearing, several motions and objections were taken with the case and require rulings. In addition, Ozark has requested rulings on additional matters arising after the hearing. In order to keep the record clear, the rulings will be addressed prior to a discussion of the Commission's factual findings.

(1) Applicant Sharon Michael sought to have Exhibit #2, a letter dated January 27, 1994, admitted into evidence. Ozark objected, stating that the exhibit did not relate to any cross-examination, and should have been included in direct or surrebuttal testimony. The letter contains a brief statement by the applicant which does not appear to be in the nature of surrebuttal testimony, but

in any event is cumulative to other evidence properly admitted. The objection is overruled and Exhibit #2 will be admitted into evidence.

(2) Ozark objected to the admission of Exhibit #15, the deposition of Gene Hunt, on the basis that Mr. Hunt's application was seeking a change of suppliers for his business, Carpet Barn, and not his residence, and thus Carpet Barn was required to be represented by an attorney. By letter dated February 9, 1994, Ozark withdrew its motion to dismiss Mr. Hunt as an improper party and withdrew its objection to Exhibit #15. Exhibit #15 will be admitted into evidence. In addition, Exhibit #26, Staff's rebuttal testimony pertaining to Mr. Hunt, which was admitted as an offer of proof dependent upon the acceptance of Gene Hunt's deposition into the record, will be admitted into evidence.

(3) Exhibit #33 was reserved for a late-filed exhibit which would include a record of Ozark's breaker operations on lines and facilities serving the applicants. By letter dated January (sic) 14, 1994, Ozark enclosed for filing copies of the Supplemental Rebuttal Testimony of Edward Harter sponsoring late-filed Exhibit #33, and requested a ruling on the admission of this Supplemental Rebuttal Testimony as part of Exhibit #33. By letter dated March 2, 1994, Ozark indicated that Exhibit #33 as previously filed did not completely reflect the record of substation breaker readings investigated by Commission Staff, and included substitute pages 1 of 7, 4 of 7, 6 of 7, and 7 of 7. No party filed an objection to the Supplemental Rebuttal Testimony. The Supplemental Rebuttal Testimony of Edward Harter, along with the record of breaker operations, including the substitute pages, is admitted into evidence as late-filed Exhibit #33.

(4) A review of the transcript also indicates that several exhibits which were offered into evidence, and to which there were no objections, were not formally admitted into evidence. Exhibits #3, #4, and #32 will therefore be admitted into evidence.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

The applicants live in a mixed rural/suburban area near the city of Springfield, Missouri, and currently receive electrical service from Ozark. Ozark is a rural electric cooperative with the general powers designated in Section 394.080, RSMo Supp. 1993. City Utilities is a municipally owned or operated electric power system as defined in Section 91.025, RSMo Supp. 1993. Applicants seek through this proceeding an order from the Missouri Public Service Commission authorizing them to change electric suppliers from Ozark to City Utilities.

Findings Regarding Individual Applicants

CAROL JUNE TYNDALL, Case No. EO-93-295:

Applicant Tyndall testified that the power goes out frequently, and that she has experienced power surges and lights dimming. Ms. Tyndall stated that she is severely arthritic and disabled. At the hearing it was apparent that Ms. Tyndall's mobility is visibly impaired. Her lights flicker at least once a week, disrupting her digital clocks. The outages may last ten to fifteen minutes, or three to four hours, and occur more frequently in inclement weather. Ms. Tyndall also indicated that she has had problems with her computer and fluorescent light tubes. She also noticed that she goes through large quantities of incandescent lightbulbs, but did not consider this related to the power problems. Ms. Tyndall claims that various appliances and equipment have been damaged by the power supplied by Ozark. The testimony is somewhat confusing with respect to this issue. The Commission understands Ms. Tyndall to be claiming that her self-cleaning oven will no longer self-clean, her heat pump iced up, two sets of new GE washers and dryers each rusted out within two months, and she has had to insulate or reinsulate her water pressure tank. She also claims that a Mr.

Denny Baker from Ozark told her that he was aware there was a problem with property along the particular road where Ms. Tyndall lives, but that Ozark had not been able to locate the problem.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had twelve outages during the last five years on the line serving Ms. Tyndall, with a total outage time of 21 hours, while City Utilities has had three outages during the same time period on its facilities in the area, with a total outage time of three hours. Repairs, maintenance, and other work was performed on the line serving Ms. Tyndall approximately 33 times over the past five years. Ms. Tyndall is currently served from a single-phase line which connects with a three-phase line approximately one-half mile from Ms. Tyndall's residence. The three-phase line then extends seven and one-half miles to the substation. If Ms. Tyndall were switched to City Utilities, City Utilities would have to extend its line approximately 1500 feet west to Ms. Tyndall's house. This line consists of 9600 feet of single-phase line, which connects to a three-phase line which extends 16,200 feet to the substation. Staff noted that the total length of line to serve Ms. Tyndall would be shorter with City Utilities -- five miles versus seven and one-half miles for Ozark -- but maintained that the difference in line length would not be likely to make a difference with respect to weather-related outages. Staff recommended that Ms. Tyndall's application be denied.

Ozark asserts that problems occurring during extreme weather are to be expected, that surge protectors are recommended for all electronic and computer equipment, that Ms. Tyndall's incandescent lightbulb usage is about as expected, and that there is no connection between her electrical system and her heat pump icing up or problems with her water pressure system.

Applicant Hunt testified that Carpet Barn has experienced power outages, surges, and spikes, and blinking lights. The surges or spikes have caused problems for Carpet Barn's computer and phone equipment. Someone from a computer store, Computer Mart, conducted a test to check voltage, and as a result put power surge protection on the computers. Mr. Hunt has had two battery phone back-up systems, which preserve the phones' memory function, burn out. He is not certain whether this was due to power fluctuations or somehow lightning coming through. He also believes that Ozark is slower in restoring power after an outage than is either City Utilities or a rural electric cooperative servicing nearby customers out of Bolivar. Previously Mr. Hunt received service from Ozark at his residence as well as at his business, and experienced the same type of problems. Two years ago he built a new home and obtained service from City Utilities, and has not had problems. His home is approximately one hundred yards away from Carpet Barn.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had twelve outages during the past five years on the line serving Mr. Hunt, with a total outage time of 21 hours, while City Utilities has had no outages on its corresponding line over the past two years on its facilities in the area. City Utilities' corresponding line is fairly new. Repairs, maintenance, and other work was performed on the line serving Mr. Hunt about 32 times over the last five years. Mr. Hunt's business, Carpet Barn, is currently served from a single-phase line which terminates at the transformer serving Carpet Barn. This line extends one and three-fourths miles to a three-phase line, which extends approximately seven and one-half miles to the substation. If Carpet Barn were switched to City Utilities, City Utilities could extend its three-phase line about 1000 feet east to Carpet Barn. Mr. Hunt's residence, which is located 400 feet from Carpet Barn, is currently served by a

single-phase line built from the three-phase line. Staff opines that this is one instance in which the level of service might improve with a change to City Utilities, as Carpet Barn would then be served from a 1000 feet extension of a three-phase line which would serve only three customers, as opposed to Ozark's single-phase line, which is almost two miles in length and more likely to be exposed to the elements. Staff did not make a recommendation as to whether Mr. Hunt's application on behalf of Carpet Barn should be granted or denied, but only indicated that one could reasonably conclude that outages would be fewer on City Utilities' facilities.

Ozark maintains that Mr. Hunt's phone system could have been damaged by lightning surges through the phone line, by internal switching of lights, motors, and office equipment, all of which generate spikes which can damage certain sensitive equipment, or the problem could relate to improper grounding in Mr. Hunt's building. It is Ozark's position that generally all electronic and computer equipment should be equipped with surge protectors. Ozark also states that it has no control over how much energy a customer consumes, and that Mr. Hunt's perception that City Utilities and Southwest Electric Cooperative have a faster restoration time is a matter of coincidence.

SHIRLEY JONES, Case No. EO-93-312:

Applicant Jones testified that she has power outages approximately once a month, which require the resetting of clocks on various appliances. Sometimes she experiences three outages in one day, but the outages are not extended. She believes her home is receiving power surges, as her lights rapidly go from very bright to dim, or from dim to bright. She has also observed lights dimming slowly, although this doesn't happen very frequently. The lights are dim quite often, and sometimes she needs to turn on another light. Ms. Jones is concerned that the power surges will adversely affect her major appliances, and has noticed her central air conditioning unit making an abnormal sound. Ms.

Jones also testified to an abnormal amount of lightbulb losses. Ms. Jones has noticed no correlation between the problems she experiences and weather patterns, nor has she experienced improved service after actions taken by Ozark, such as tree-trimming. She has not contacted Ozark about her problems, and concludes that she would not have a problem staying with Ozark if Ozark could get its problems fixed.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had five outages in the last five years on the line serving Ms. Jones, with a total outage time of 10.1 hours, while City Utilities has had four outages during the same time period on its facilities in the area, with a total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other work was performed on the line serving Ms. Jones approximately 25 times since 1988. Ms. Jones is currently served from a single-phase line approximately one mile in length, and is about two and one-half miles from the substation. If Ms. Jones were switched to City Utilities, City Utilities would have to extend its single-phase line approximately 3500 feet south to Ms. Jones' residence. All of the 3500 feet would duplicate Ozark's facilities. This single-phase line extends 11,400 feet to a three-phase line which is 26,400 feet from the substation site. Based on the figures presented by Staff, it would appear that Ms. Jones would be further from the substation if hooked up to City Utilities. Staff recommended that Ms. Jones' application be denied.

Ozark claimed that the number of blinks experienced by Ms. Jones is a reasonable amount, and that the claimed excessive burnout of light bulbs is a normal occurrence, and suggests that Ms. Jones has wiring problems in her home.

NORMA HULL, Case No. EO-93-313:

Applicant Hull testified that she has experienced frequent outages -- including some for extended periods of time -- spikes and surges of electricity, and frequent periods of low voltage. Ms. Hull states that the lights burn so

dimly it is impossible to read a book, such that she has needed to add additional light fixtures to her home. She has had a large number of light bulbs go out, about two or three a week. Outages occur approximately twice a week. Ms. Hull indicates that she has had a number of small appliances damaged or destroyed, including several waterbed heaters and irons, as well as a coffee maker and a toaster. On two occasions she was told by a serviceman that electrical stress had caused the problems with the waterbed heaters. Ms. Hull is worried about her larger appliances, as she has heard her refrigerator make a noise like it was trying to start up but couldn't. Ms. Hull speculated as to the nature of the power problem, and is of the impression that Ozark knows what the problem is, but is unable or unwilling to correct the problem, and instead engages in futile cosmetic actions to look like they are being responsive. She notes there has been some improvement since the neighbors got together to take action, with outages down to twice a month. Ms. Hull's husband works for City Utilities in gas construction.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had five outages for the last five years on the line serving Ms. Hull, with a total outage time of 10.1 hours, while City Utilities has had four outages over the same time period on its facilities in the area, with total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other work was performed on the line serving Ms. Hull about 27 times over the past five years. Ms. Hull is currently served from a single-phase line which connects about a mile from Ms. Hull's residence with a three-phase line, which then extends an additional mile and one-half to the substation. If Ms. Hull were switched to City Utilities, City Utilities would have to extend its line approximately 2200 feet south to Ms. Hull's residence. This line would extend 11,400 feet to a three-phase line, which would extend another 26,400 feet to the substation. The 2200 feet extension to provide service to Ms. Hull would

duplicate Ozark's existing facilities. Staff recommended that Ms. Hull's application be denied.

Ozark denies Ms. Hull's speculation as to the nature of the problem or Ozark's response to it. Ozark maintains that the testimony regarding light bulbs is unclear or contradictory, and explains that already weakened light bulbs will pop when placed under stress, such as a switching surge caused by a breaker operation or turning a light on during a storm. In addition, Ozark explains that short periods of lower than normal voltage are expected following outages, and notes that it is unclear if this is what Ms. Hull is referring to.

TOM RILEY, Case No. EO-93-314:

Applicant Riley testified that he has frequent power outages, where the power goes off two or three times a day, sometimes three or four times a week, then a week will go by with no outages. The outages may last from five minutes to two hours, and do not appear to have a particular pattern with respect to the weather, although the power does generally go off during thunderstorms or windstorms. Mr. Riley stated he is more concerned about the frequency of the outages rather than the duration, as he believes the frequent outages are bad for his appliances. He also indicates that his lights dim and then get bright, which he attributes to low voltage. Mr. Riley claims a small amount of knowledge about electricity through doing wiring and being around a lot of electricians. He believes a power surge or low power may have damaged the air compressor on his central air conditioner unit, but also stated that the problem could have been caused by lightning. He has also had motors go out on a furnace and washer, but does not attribute those occurrences to Ozark.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had five outages in the last five years on the line serving Mr. Riley, with a total outage time of 10.1 hours, while City Utilities has had four outages during the same time period on its facilities in the area,

with a total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other work was performed on the line serving Mr. Riley 23 times over the last five years. Mr. Riley is currently served by a single-phase lateral which extends about a mile to an interconnection with a three-phase line, which in turn extends to a substation approximately two and one-half miles from Mr. Riley's residence. If Mr. Riley were switched to City Utilities, City Utilities would have to extend its line 2600 feet south to Mr. Riley's residence, all of which would be duplicative of Ozark's facilities. This line extends 11,400 feet to a point of interconnection with a three-phase line which extends 26,400 feet to the substation site. Staff recommended that Mr. Riley's application be denied.

Ozark alleges Mr. Riley's testimony conflicts with that of other customers, as all customers on the same breaker should see the same outages. Also plugging in too many appliances on the same circuit can cause low voltages at these appliances.

ABBOTT A. WILLIAMS, Case No. EO-93-317:

Applicant Williams testified that he experiences frequent outages of anywhere from a few seconds to three minutes approximately one to three times a week, excluding storms. He also experiences low voltage and dimming of lights approximately every two or three days. Mr. Williams had problems with his microwave oven, and he took it to a repairman who told Mr. Williams that he thought the problem was due to a surge of electricity. Mr. Williams stated that the power outages worry him because his wife is sick. He believes that he wouldn't have the same problems if his residence was hooked up to City Utilities, as he owns an older house up the road from where he now lives, which receives its electricity from City Utilities, and which has not experienced similar problems.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had two outages over the past five years on the line serving Mr. Williams, with a total outage time of 4.7 hours, while City Utilities

has had four outages over the same time period on its facilities in the area, with a total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other work was performed on the line serving Mr. Williams approximately two times over the last five years. Mr. Williams is currently served from a single-phase lateral which is located 800 feet from a three-phase line, which extends approximately one and one-half miles to the substation. If Mr. Williams were switched to City Utilities, City Utilities would have to extend its line 1600 feet west to Mr. Williams' residence. This line extends 11,400 feet to an interconnection with a three-phase line, which extends a further 26,400 feet to the substation. The required 1600 extension of City Utilities' line would duplicate Ozark's existing line. Staff recommended that Mr. Williams' application be denied.

Ozark asserts that the dimming of lights is probably the normal dimming from the load within the house, and that the blown fuse in Mr. Williams' microwave may have been caused by an overload when a container that was not microwave-safe was used.

DAVID and SHARON MICHAEL, Case No. EO-93-319:

Applicant Sharon Michael testified that the Michaels have problems with frequent outages of thirty seconds to five minutes' duration, and are required to reset appliances with clocks. She does not include outages during storms, which she considers to be expected. Although the outages are brief, she is worried about appliances like refrigerators and compressors, which, once off, are supposed to stay off for about five minutes before they are restarted. The frequency of the outages has gone down in the two or three months prior to Ms. Michael's deposition, but still occur at the rate of three or four times a week. Ms. Michael also indicated that they experience dimming of lights approximately three to six times a week, and are replacing light bulbs at an average rate of about two a week, which she feels is excessive. She added that she previously

received electric service from Ozark in another location, and did not have service problems at that location.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had seven outages in the last five years on the line serving the Michaels, with a total outage time of 15.3 hours, while City Utilities has had four outages on its facilities in the area, with a total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other work was performed on the line serving the Michaels approximately 25 times during the past five years. The Michaels are currently served from a single-phase line which interconnects with a three-phase line approximately one and a quarter miles from the Michaels' residence. The three-phase line then extends one and one-half miles to the substation. If the Michaels were switched to City Utilities, City Utilities would have to extend its line 4400 feet south to the Michaels' residence. This line would extend 11,400 feet to a three-phase line, which extends a further 26,400 feet to the substation. All of the 4400 feet extension necessary to serve the Michaels would duplicate the facilities of Ozark. Staff recommended that the Michaels' application be denied.

Ozark suggested that the number of light bulbs replaced may be the normal life cycle of the bulbs, that the blinks are normal reclosing operations of the breakers clearing momentary faults, and that Ozark took corrective action by clearing tree limbs along the right of way.

ELMER A. SCOTT, Case No. EO-93-320:

Applicant Scott testified that he has had problems with electric surges, voltage fluctuations, and low voltage. Mr. Scott believes that the problems occur during or after storms, and that he has lost a refrigerator motor, washing machine motor, and garbage disposal motor as a result thereof. He also lost a television and satellite, but attributes those losses to lightning. When it storms he is required to reset all the clocks in the house. Mr. Scott is an

electrician, and on occasion has checked the voltage level with a Simpson voltmeter, usually after a problem has occurred. Sometimes his readings were normal, and sometimes the readings indicated low voltage. At different times he obtained readings of 110 volts, 108 volts, and 120 volts. Mr. Scott has had previous experience with an electric cooperative when he lived in Buffalo, but had no problems there. He also mentioned that he has to replace more light bulbs than he did when he received service from the other cooperative, although he stated he did not consider this to be a major problem.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had one outage in the last five years on the line serving Mr. Scott, with a total outage time of 1.7 hours, while City Utilities has had four outages in the same time period on its facilities in the area, with a total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other work was performed on the line serving Mr. Scott approximately 11 times in the last five years. Mr. Scott is currently served by a single-phase lateral which connects about one-half mile from the Scott residence to a three-phase line, which in turn connects to a substation approximately two miles away. If Mr. Scott were switched to City Utilities, City Utilities would have to extend its line approximately 500 feet north to Mr. Scott's residence. This single-phase line extends 12,400 feet to a three-phase line which is 26,400 feet from an interconnection with a single-phase line to the substation site. Almost all of this extension will duplicate Ozark's already existing line. Staff recommended that Mr. Scott's application be denied.

Ozark points out that Mr. Scott's testimony does not indicate whether his voltage readings were taken at the point of delivery or point of utilization, which could affect the interpretation of his data. Loss of the mentioned appliances could be normal wear or lightning damage. A lightning strike could

shorten the life expectancy of the appliances. There is no indication of whether Mr. Scott has lightning arresters on his electric service.

LUETTE K. COLLINS, Case No. EO-93-321:

Applicant Collins testified that she has problems with the power going on and off, with lights dimming, and with appliances and light bulbs burning out. The power is erratic; it may stay on for two or three weeks, maybe a month, then go on and off again daily or every other day. Generally the outages last a few seconds, a couple of minutes, or sometimes five to ten minutes. When the power goes off, the emergency switch in Ms. Collins' hot water heater is tripped. She also is required to reset clocks on digital equipment, and bought an alarm clock with a battery back-up. Ms. Collins believes that outages and power surges are responsible for burning out a dryer motor, hot-water heater element, and a breaker on her meter loop. Ms. Collins is concerned about her air conditioner, which on one occasion was not cooling properly and was making noise that didn't sound right. The lights will often dim for five or ten minutes at a time, to the extent that Ms. Collins cannot comfortably read or cross-stitch. This occurs sometimes twice a night, sometimes three or four times a night, and some nights it doesn't happen at all. She also burns out an inordinate number of light bulbs, an average of one every two weeks, sometimes two or three a week. Ms. Collins also indicated that she has not observed a relationship between the frequency of power outages and the weather, and that she had not experienced similar problems with her electricity when she lived in northern Iowa, although her service in Iowa was not with a rural electric cooperative.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had five outages in the last five years on the line serving Ms. Collins, with a total outage time of 10.1 hours, while City Utilities has had four outages during the same time period on its facilities in the area, with a total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other

work was performed on the line serving Ms. Collins about 24 times over the last five years. Ms. Collins is currently served from a single-phase line which intersects at about a mile with a three-phase line which extends an additional one and one-half miles to the substation. If Ms. Collins were switched to City Utilities, City Utilities would have to extend its line approximately 3200 feet south to Ms. Collins' residence, all of which would duplicate Ozark's facilities. This line consists of 11,400 feet of single-phase line connected to a three-phase line which extends 26,400 feet to the substation site.

Ozark commented that the need for an alarm with a battery back-up is common, as digital clocks are generally manufactured in a way that makes them intolerant of even the slightest flicker. Ozark also asserted that the failure of the dryer and water heater are likely normal failures, and that the dimming of lights could indicate undersized service equipment owned by the customer. The breaker loss may indicate a service entrance that is sized too small for the current load, or that the enclosure containing the breaker is not weather tight.

CRAIG and PAM SKINNER, Case No. EO-93-323:

Applicant Craig Skinner testified that the Skinners have had problems with frequent power outages of short duration, generally for a few seconds, and none longer than ten minutes that he could recall. He did not include outages during storms, as he expected problems under those circumstances. The brief outages cause clocks to need to be reset. Mr. Skinner also testified that their lights dim frequently, and has noticed no connection between the weather and when lights dim or short outages occur. He did not notice a more frequent need to change light bulbs, but did state that he never had similar problems with his electricity when he lived elsewhere and received service from City Utilities or The Empire District Electric Company. Mr. Skinner concluded his testimony by stating that he works for a wholesale company which handles appliances, and is concerned that the brief outages could increase the likelihood of compressor

failure on appliances such as air conditioners, refrigerators, and freezers because the outages shut down the compressors, but then the power comes back on right away, which puts wear and tear on the unit. To avoid this problem Mr. Skinner has put time delays on some of his equipment, which allows the equipment to rest for five minutes following an outage, before coming back on.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had five outages in the last five years on the line serving Mr. Skinner, with a total outage time of 10.1 hours, while City Utilities has had four outages during the same period on its facilities in the area, with a total outage time of 3 hours, 46 minutes. Repairs, maintenance, and other work was performed on the line serving the Skinners about 23 times over the last five years. The Skinners are currently served by a single-phase line which interconnects within a mile to a three-phase line, which extends an additional mile and one-half to the substation. If the Skinners were switched to City Utilities, City Utilities would have to extend its line approximately 3000 feet south to the Skinners' residence. This line would then extend 11,400 feet to a three-phase line, which would extend an additional 26,400 feet to the substation. The 3000 foot extension needed to hook up the Skinners would duplicate Ozark's facilities. Staff recommended that the Skinners' application be denied.

Ozark asserts that the dimming of lights is caused by other sources, and that the blinks are the result of the normal operation of Ozark's automatic circuit breakers.

DARRELL PROCTOR, Case No. EO-93-333:

Applicant Proctor was unable to attend the hearing on this matter, for reasons that would constitute good cause. By agreement of all the parties, Mr. Proctor's deposition was admitted into evidence in support of his application. Mr. Proctor testified that he has had problems with power spikes and surges. He believes that this may have destroyed a well pump, although he is not

sure, as the repairman indicated the problem was caused by either lightning or too low a voltage, either of which would create the same symptoms. The power fluctuations cause digital appliances to need to be reset about every week, as opposed to a couple of times a year for appliances at his office, which receives electricity from City Utilities. Also, the remote control ceiling fans will come on in the middle of the night and wake Mr. Proctor up. The Proctors have wanted to install computer equipment in their home, to link with the computer system in their office, but have been afraid that the power fluctuations would cause problems not only with their home computer, but with their office computer as well. The Proctors have not had a problem with prolonged outages. Mrs. Proctor is on the Board of Utilities for the City of Springfield.

Staff testified based on information provided by Ozark and City Utilities that Ozark has had twelve outages in the last five years on the line serving Mr. Proctor, with a total outage time of 21 hours, while City Utilities has had three outages on its facilities in the area, with a total outage time of three hours during a two-year period. Repairs, maintenance, and other work was performed on the line serving Mr. Proctor approximately 32 times during the last five years. Mr. Proctor is currently served by a single phase lateral which extends from a three-phase line at about a half mile from the end of the three-phase line, and is the fourth customer on the single-phase line. If Mr. Proctor were switched to City Utilities, City Utilities would have to extend its line approximately 700 feet. This line consists of 9600 feet of single-phase line, which then connects to 16,200 feet of three-phase line and extends to the substation. Staff recommended that Mr. Proctor's application be denied.

Ozark states that Mr. Proctor could install a computer system without a problem if he obtained uninterruptible power supply equipment, which is relatively inexpensive. The motor of his well pump should be protected with a

surge arrestor located and bonded at the point where the wiring enters the well casing.

General Findings

The Commission has summarized above some of the relevant evidence presented by the various parties with respect to each application. The Commission is aware that the fact situation of the individual applicants differs, and has considered each application on an individual basis. In analyzing the evidence presented in a change of supplier case, no single finding is determinative of the outcome. Instead many factors, the most common of which are detailed in the Commission's conclusions, infra, must be balanced.

Based upon all of the evidence presented, the Commission finds that the applicants as a group have not been consistently receiving an adequate supply of electric power with respect to the quality of the power. The Commission found the applicants and their testimony to be credible. The testimony of the applicants was remarkably consistent with regard to the types of problems they were experiencing. This is not to suggest that there were no differences between the testimony of individual applicants; however, those differences are not material, and may be explained in part by differences in amount and type of equipment, load, and usage; differences in times when applicants are home; and differences in observational biases and ability. The location of the applicants' homes are generally clustered into several groups. It also appears from the record that the homes were built at different times. Although not impossible, it strains credulity to believe that all of the problems the applicants have experienced relate solely to areas within the applicants' scope of responsibility, such as inside wiring, transformers, or service entrances.

The Commission is not unmindful that the provision of electric service in a rural setting presents unique challenges, given the greater distances over which wire must be strung, with concomitant exposure to nature,

as well as low customer density, nor is the Commission unaware that there is the potential for unconscious exaggeration on the part of the applicants due to extreme sensitization to problems based on prior experiences of difficulties with service. However, exhibit #33, which contains the sequential breaker reading history for the applicants over the past five years, does provide some support for the applicants' claims. For purposes of reviewing this exhibit, the Commission accepts the supplemental rebuttal testimony of Ozark witness Edward Harter, which cautioned about the interpretation of the data. Nevertheless, the data is reasonably consistent with the applicants' claims.

There was a fair amount of testimony describing events which would affect any utility's ability to supply adequate and uninterrupted power to a customer, such as extreme weather like ice, snow, rain, and windstorms; lightning; tree limbs brushing against wires; small animals or birds contacting the phase conductor at a transformer; cattle rubbing on guy wires; or failure of equipment such as transformers, insulators, or lightning arresters. There was also a fair amount of testimony regarding Ozark's maintenance and repair of its facilities, and its efforts to respond to the complaints of applicants. For example, Ozark repaired a neutral, a phase, and a "busted" strand in a phase; replaced insulators shot by vandals, a bad bell insulator, a jumper, a broken neutral spool, and a broken lightning arrester; added an additional lightning arrester; resealed a meter; changed a breaker to a different type; tightened guy wires and installed guy markers and cattle guards on guy wires; checked Ozark's side in response to a low voltage complaint; checked voltage and connection in response to a high voltage complaint; read breaker and rode line and checked breaker in response to a blinking complaint; changed connections on a neutral in response to a dim light complaint; installed fault finders and checked results; did extensive tree trimming; and reinsulated a line which had come into contact with a line belonging to City Utilities.

Additionally there was evidence from which it could be inferred that Ozark either knew what was causing the problems experienced by the applicants, but was unable or unwilling to rectify the situation, or that Ozark was unable to locate the problem. The evidence on both propositions is very sketchy, but the Commission finds that Ozark has been having difficulty in locating the problem, and has not deliberately ignored a known problem. This finding is bolstered by the Commission's observation that both sides appeared very frustrated during the hearing -- applicants because they felt Ozark did not believe their complaints or take them seriously, and Ozark because neither it nor the applicants had come up with tangible evidence to suggest the nature of the problem. It is worth noting that several applicants testified they have noticed some improvements since they undertook to file their applications, which suggests that if Ozark had not taken the applicants' complaints seriously before, it does now, and that it may be able to remedy the situation.

The ascertainment that a problem exists is but one step in the balancing process, and other factors must be considered in determining whether a change in suppliers is appropriate. For various reasons, the Commission finds that it is not. The obvious solution, of course, is for the applicants to receive better service. Were Ozark a regulated utility, the Commission would have had as an option the ability to order it to improve its electric service, which under certain circumstances might be a more efficient remedy and more responsive to the public interest. However, because the Commission has only limited authority over rural electric cooperatives, the only remedy which is available for its consideration is the drastic remedy of ordering a change in electric suppliers. This requires that problems with service quality cannot be viewed in isolation, but must be considered in conjunction with a range of other factors to determine whether a change in suppliers is in the public interest.

Many of the issues involved in change of supplier cases were not well-developed in these cases, nor was much evidence presented thereon. Health issues were raised by two applicants, but were not adequately addressed. Mr. Williams mentioned his wife was ill, and Ms. Tyndall referred to her arthritis. In their direct testimony, the applicants did not generally delve into what alternatives they had considered short of changing suppliers, and information offered as part of the cross-examination questions asked by applicants cannot be considered because the applicants were not then under oath. Ozark in turn had little to suggest to the applicants as alternatives, other than the use of surge protectors and uninterrupted power supply equipment for computers. Time delays such as those installed by applicant Skinner on his equipment may provide an alternative for appliances which should not be restarted immediately after an outage. The Commission finds that at least some of the applicants have had equipment damaged or destroyed, although the evidence was somewhat sparse and contained hearsay.

There was also some suggestion in the testimony of applicant Hunt of an impact on his business, Carpet Barn, which might in turn implicate economic development. Most of applicant Hunt's complaints were similar to the complaints of the other applicants. He mentioned that after employees of a computer store checked into problems he was having, he installed surge protectors on his computer. He was otherwise unable to testify regarding any problems with his computer, as he did not work with it and had no personal knowledge. Similarly he mentioned the battery back-up systems for his phone burning out, but could not rule out the possibility that these systems were affected by lightning. Applicant Hunt also alluded to a potential loss of \$5000 if he was forced to close his business for a day. There was absolutely no evidence whatsoever that the Carpet Barn business was ever forced to close because of problems with its electrical supply, whether for a day, or any shorter or longer period of time.

To the contrary, on one occasion in 1987 when there was an extended outage lasting close to a week, Mr. Hunt supplied his business with electricity through the use of a generator.

It is worth noting that all of the applicants mentioned the extended outage that occurred in 1987. The Commisison does not find that incident relevant to the present proceedings, both because the outage was the result of an ice storm which affected other nearby electric utilities as well, including City Utilities, and because the incident is too far removed in time to be relevant to a determination of whether the applicants should be allowed to change suppliers in 1994.

Several factors militate against granting a change of suppliers. Staff has recommended that the applicants' request for a change of suppliers be denied, and in the case of Gene Hunt, has abstained from making a recommendation. Staff's investigation was based on a review of Ozark's system, some voltage charts, and general experience, and indicates that there is no obvious reason why the applicants would be having the type of problems of which they complain. All of the applicants are relatively close to a substation, which is counterindicative for the likelihood of severe voltage fluctuations. With a few exceptions, the lines are generally located along roads, and are thus easy to service. Ozark appears to be maintaining the lines. Although Staff's investigation and recommendations are not dispositive, they do weigh against granting a change in suppliers.

There was also testimony that voltage is regulated at the substation level, and that there are some inherent service advantages in being closer to a substation, and less likelihood of low voltage. Staff's evidence indicates that with a few exceptions, the vast majority of the applicants are currently $2\frac{1}{2}$ to $3\frac{1}{2}$ miles from Ozark's substation. In contrast, if the applicants were switched to City Utilities, most of them would be approximately seven miles from a

substation. Additionally, there was conflicting testimony as to whether part of City Utilities' facilities would provide a loop or back-feed for some of the applicants.

The evidence also indicates that Ozark is a rural electric cooperative with a membership of approximately 21,000. It has approximately 3900 miles of energized line, for a ratio of about 5.4 members per mile. In 1992 its average cost of operations per mile of line was over \$4,200. With respect to the specific line serving Carpet Barn, Ozark has over the years spent approximately \$1,677 per year to maintain the line and repair damages caused by nature, vandals, and normal wear and tear. This line was built in 1960, and in today's dollars would represent an investment of \$27,000 per mile of single phase line. There is some merit to Ozark's contention that it would be disproportionately affected by the loss of customers because of its low customer density.

Two factors in particular -- the impact on the negotiation of territorial agreements and the impact of duplication of service or facilities -- weigh heavily against granting a change in suppliers, although here too more evidence would have been helpful. As previously indicated, most of the applicants are clustered together in several groups. (See Attachment 1.) There was testimony that various buildings in the general vicinity were currently being served by one of four suppliers: Ozark, City Utilities, Southwest Electric Cooperative, or The Empire District Electric Company. The applicants apparently reside in an area where the territory of four different electric suppliers appears to converge. The grant of a change in suppliers would in all likelihood cause additional confusion and make the negotiation of territorial agreements and the drawing of territorial maps more difficult. The Commission in the past has expressed its support for and encouragement of territorial agreements. Such agreements are favored because they help accomplish the implicit goal of Missouri's "anti-flip-flop" laws, discussed infra, which allow suppliers to

continue serving the same structures once service has commenced through permanent service facilities, i.e., avoidance of the duplication of facilities.

Staff pointed out in its testimony that in the case of each applicant, a change in suppliers from Ozark to City Utilities will require a duplication of facilities. The distance of the required line extensions varies from a low of 500 feet to a high of 4400 feet, with most in the range of 2500 to 3500 feet. Although there was little evidence of the cost involved, the extension costs for those distances are not likely to be trivial. In addition to cost, the duplication of facilities may also present a safety hazard and may affect the reliability of electric service for customers of both Ozark and City Utilities. Because the lines currently serving the applicants would still be serving Ozark's remaining customers, they will not be deenergized. The duplicated lines could cause confusion to utility personnel during storm outages and emergencies. Similarly, duplicated lines in proximity to one another may under certain conditions cause an outage, which affects reliability. Evidence was presented regarding just such an incident where one of City Utilities' lines came into contact with Ozark's line, causing an outage to customers of Ozark. Although the evidence was offered to show that Ozark had not been responsible for the most recent outage experienced by the applicants, it amply demonstrates the hazards that overlapping territories engender.

The Commission also has some concern that the applicants live outside the city limits of Springfield. City Utilities is a municipally owned or operated electrical system. As is the case with rural electric cooperatives, the Commission has limited authority over municipally owned or operated electrical systems. In and of itself this is not a concern; however, the Commission cannot ignore the potential for discrimination against customers not within municipal limits. See, e.g., Re the application of Missouri-American Water Company, Case No. WM-93-255, Report And Order, issued July 30, 1993.

Since applicants would not be eligible to vote in city elections, they would be placed in the invidious position of having no recourse or power to abate inequitable treatment. In contrast, applicants may review Ozark's Articles of Incorporation or Bylaws to determine whether there exists a procedural avenue through which they may remedy their grievances, may participate in elections for the board of directors, or may be able to raise their complaints at the annual meeting of the cooperative, which Ozark is required to hold pursuant to Section 494.120.2, RSMo 1986. They may also be able to seek redress in a court of competent jurisdiction. There is no evidence in the record to indicate that applicants attempted any of these less drastic remedies.

After balancing all of the pertinent factors, the Commission finds that the public interest would not be served by granting a change of electric suppliers to the applicants.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law:

The burden of proof in change of electric supplier cases is on the applicant. Re Cominco American, Inc., 29 Mo. P.S.C. (N.S.) 399, 407 (1988). The Commission utilizes a case-by-case analysis in determining whether an application for change of electric suppliers should be granted. Cominco at 405.

The Missouri Legislature enacted four statutes, commonly referred to as the "anti-flip-flop" laws, which assure electric suppliers the right to continue supplying retail electric energy to structures through permanent service facilities once service has commenced, except for certain limited circumstances under which the Commission may authorize a change of supplier. Section 91.025.2, RSMo Supp. 1993 relates to applications for change of supplier made by customers currently receiving service from a municipally owned or operated electrical system, while Section 393.106.2, RSMo Supp. 1993 concerns applications for change

of supplier by customers currently receiving service from an electrical corporation or joint municipal utility commission. The two remaining statutes deal with a situation such as the one in the present case, where the customers seeking a change of supplier are currently receiving service from a rural electric cooperative. The two statutes state as follows:

Notwithstanding the provisions of subsection 2 of this section, after a public hearing upon a complaint, the public service commission may order that service be provided by another supplier if it finds that service from another supplier of electricity is in the public interest for a reason other than rate differential. Nothing in this section shall be construed as conferring upon the public service commission jurisdiction over the rates, financing, accounting or management of any electric cooperative.

§394.080.5, RSMo Supp. 1993.

The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction.

§394.315.2, RSMo Supp. 1993.

In many cases involving change of electric suppliers, the issue arises in the context of a dispute between electric suppliers over which supplier has authority to serve a particular customer. In contrast, cases which have commenced at the behest of a customer have been rare. The Cominco case, cited above, and Re the application of Thomas J. and Barbara A. Bakie, Case No. EO-93-170, Report And Order, issued August 6, 1993, appear to be the leading cases on customer-initiated applications for change of electric suppliers, and provide a substantial amount of guidance regarding the standards to be applied in determining when a change of electric suppliers is appropriate.

The factors addressed in the Cominco and Bakie decisions may be recapitulated as follows:

(1) Whether the customer's needs cannot adequately be met by the present supplier with respect to either the amount or quality of power;

(2) Whether there are health or safety issues involving the amount or quality of power;

(3) What alternatives the customer has considered, including alternatives with the present supplier;

(4) Whether the customer's equipment has been damaged or destroyed as a result of a problem with the electric supply;

(5) The effect the loss of the customer would have on the present supplier;

(6) Whether a change in supplier would result in a duplication of service or facilities, especially in comparison with alternatives available from the present supplier, a comparison of which could include: (a) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements, and (b) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;

(7) The overall burden on the customer caused by the inadequate service, including any economic burden not related to the cost of the electricity itself, and any burden not considered with respect to factor (6)(b) above;

(8) What efforts have been made by the present supplier to solve or mitigate the problems;

(9) The impact the Commission's decision may have on economic development, on an individual or cumulative basis; and

(10) The effect the granting of authority for a change of suppliers might have on any territorial agreements between the two suppliers in question, or on the negotiation of territorial agreements between the suppliers.

In the present eleven cases, the Commission has directly or indirectly considered all of the factors listed above. Insufficient evidence with respect to many of the factors prevented the Commission from relying on those factors in reaching its decision. For example, there was little evidence on health or safety issues relating to the amount or quality of the power provided by Ozark (factor 2), or on what alternatives were considered by the customers (factor 3). Similarly, although there was testimony by a number of applicants that they have had equipment damaged or destroyed (factor 4), and the Commission found that at least some of the applicants so testifying did experience damage to or destruction of their equipment, the evidence is not sufficiently specific or compelling to find that a particular appliance or piece of equipment of a particular applicant was damaged or destroyed, therefore it is very difficult to measure the possible economic burden on the applicants (factor 7). The Commission's finding that the applicants as a group have not been consistently receiving an adequate supply of electric power with respect to the quality of the power (factor 1) necessarily implies a certain burden on applicants, if only of nuisance or inconvenience. There was nothing unique in applicants' experience of problems with the quality of the power supplied by Ozark sufficient to rise to the level of burden contemplated by factor 7.

In the same vein, although the Commission found some merit in Ozark's contention that it would be disproportionately affected by the loss of customers (factor 5) the evidence could have been more specific. For example, the actual average revenue loss could have been calculated and compared with actual average revenues. Finally, the Commission found that the only applicant whose situation might suggest an impact on economic development (factor 9) was

applicant Hunt, whose testimony was inconclusive as to whether his business as experiencing serious problems attributable to the electricity supplied by Ozark.

Based upon the facts in these cases as supported by the evidence, the Commission has found that factors 6, 8, and 10 are most pertinent to a resolution of the question before the Commission, i.e. whether all, some, or none of the applicants should be granted authority to change electric suppliers. The evidence indicated that the applicants live in a vicinity where four different electric suppliers have a presence. If some or all of the applicants were allowed to switch suppliers, the results would be a checkerboard pattern of houses supplied by Ozark and City Utilities in those neighborhoods, with concomitant duplication of facilities and potential safety hazard. Although safety is not specifically mentioned, it is a logical extension of the concerns contained in factor 6, and is inherent in the problem of duplication of facilities. In addition, the resulting checkerboard effect will add to the difficulty of negotiating territorial agreements between the suppliers (factor 10). The Commission also found that Ozark made good faith efforts to seek out and solve the reported problems (factor 8), although to date not entirely successfully.

Finally, although not previously listed as a factor to be considered, the Commission cannot ignore the potential effect of allowing the applicants to be switched to a municipally-owned or operated supplier which would be supplying electricity outside its city limits, and has considered these concerns in another context. Also not previously listed as a factor to be considered is the question of the likelihood that an applicant will actually receive better electric service if switched to a different supplier. The Commission agrees that while this may be a relevant factor in certain cases, along with all other factors, and may be particularly appropriate in close cases, it need not always be considered. In

any event the Commission did review the evidence on this question, and determined that the evidence thereon was equivocal.

As was stated in Bakie, "[T]he Commission may consider other pertinent factors, depending on the given fact situation." Bakie at 11. The Commission has found, based upon a balancing of the factors set forth above, as well as a broader interpretation of what those factors are intended to encompass, that the applicants' requests should be denied. The only guidance provided by the statutes is that the Commission should grant a change of suppliers only when it is in the public interest for a reason other than a rate differential. The legislature's concept of "the public interest" is not defined, but would seem to include the applicants, the other members of the cooperative, and the public at large. The Commission found that in these particular cases, the public interest would be better served by denying the applicants' requests for a change of supplier. The Commission is sympathetic to the applicants' plight, and they may have other remedies which they may be able to pursue, but an order authorizing a change of suppliers is not a remedy which is in the public interest in these cases. The Commission stresses that, as indicated in the Cominco and Bakie decisions, these determinations are to be made on a case-by-case basis, utilizing the factors articulated in those cases, or other relevant factors which are appropriate. The Commission concludes that the applicants' requests to change their electric supplier are not in the public interest, and the Commission will therefore deny the requests.

IT IS THEREFORE ORDERED:

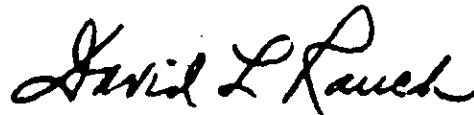
1. That Exhibits #2, #3, #4, #15, #26, #32, and #33 be and are hereby admitted into evidence.

2. That the applications for change of electric supplier filed by applicants Carol June Tyndall, Case No. EO-93-295; Gene Hunt, Case No. EO-93-303; Shirley Jones, Case No. EO-93-312; Norma Hull, Case No. EO-93-313; Tom Riley,

Case No. EO-93-314; Abbott A. Williams, Case No. EO-93-317; David and Sharon Michael, Case No. EO-93-319; Elmer A. Scott, Case No. EO-93-320; Lurette K. Collins, Case No. EO-93-321; Craig and Pam Skinner, Case No. EO-93-323; and Darrell Proctor, Case No. EO-93-333 be and are hereby denied.

3. That this Report and Order shall become effective on June 7, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

In Case Nos. EO-93-295, EO-93-312, EO-93-313, EO-93-314, EO-93-317, EO-93-319, EO-93-320, EO-93-321, EO-93-323, and EO-93-333:
Mueller, Chm., McClure, Perkins, and Crumpton, CC., Concur;
Kincheloe, C., Concurs with separate opinion to follow and certify compliance with the provisions of Section 536.080, RSMo 1986.

In Case No. EO-93-303:
Mueller, Chm., McClure, Perkins and Crumpton, CC., Concur;
Kincheloe, C., Dissents with separate opinion to follow and certify compliance with the provisions of Section 536.080, RSMo 1986.

Dated at Jefferson City, Missouri,
on this 27th day of May, 1994.

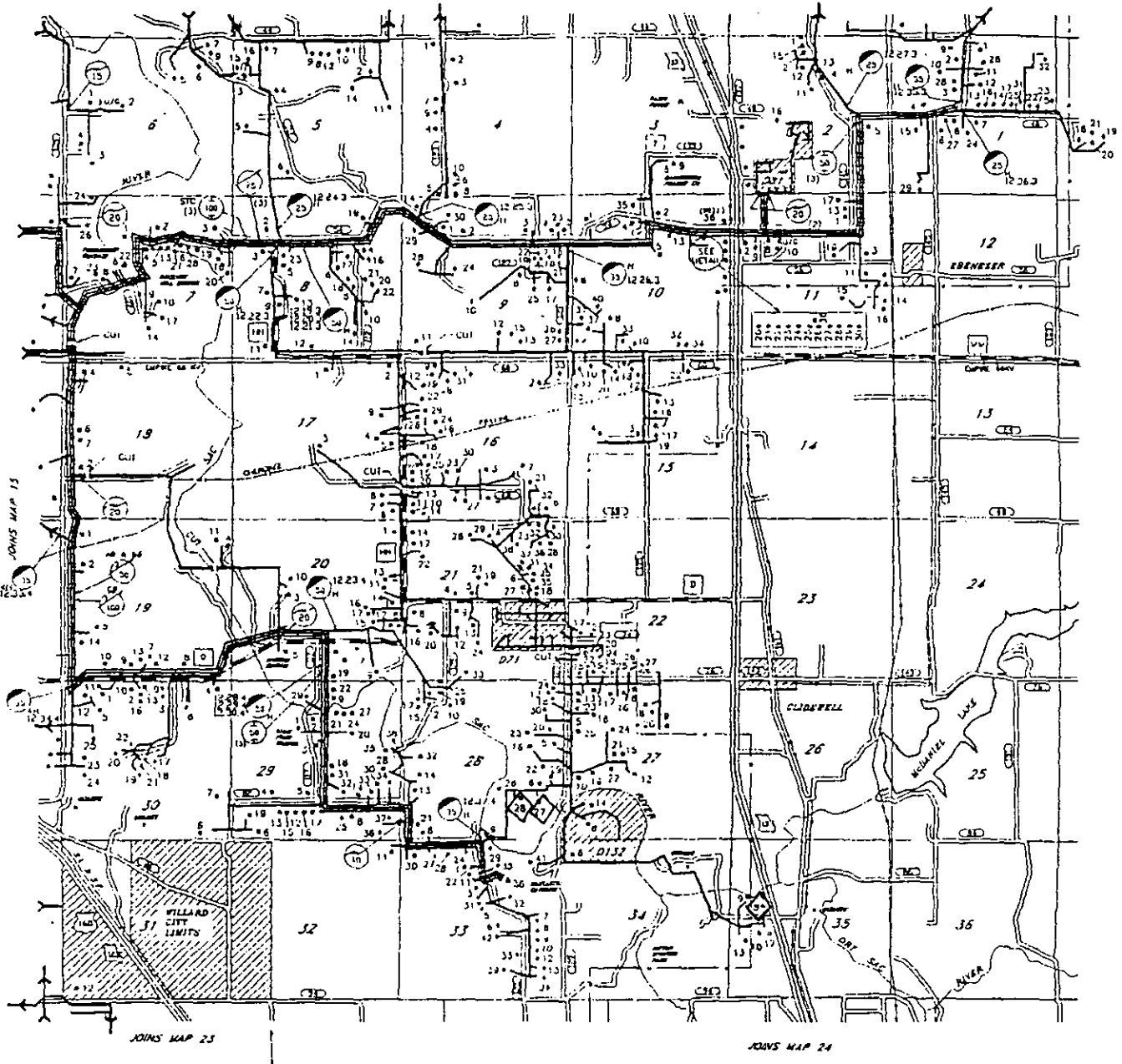
- 28 = Carol Tyndall
- 27 = Darrell Proctor
- 8 = Carpet Barn (Gene Hunt)

- 30

- 10

R22W

JOINS MAP 9



MAPS SHOWING LOCATION OF APPLICANTS' RESIDENCES

16

DATE	REVISIONS	DATE	REVISIONS
2-25-87	EXISTING LINE		
8-1-90	REVISED		
11-6-91	REDRAWN TO CAD		

OZARK ELECTRIC COOPERATIVE

MT VERNON, MISSOURI

MISSOURI 30 LAWRENCE

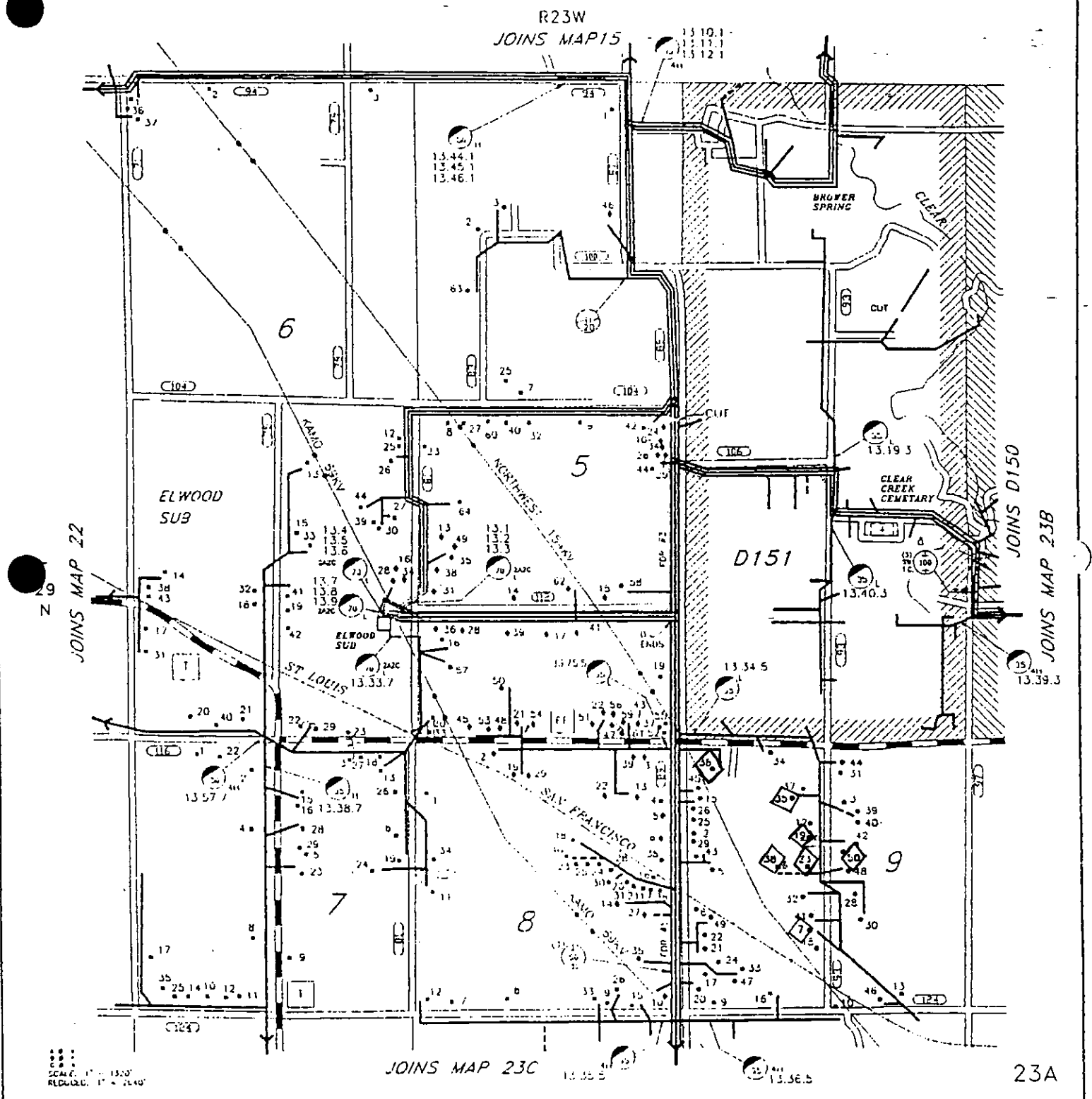
TOTAL REV
TOTAL PRT
APPE IN LIT
COUNT
UP SURV
FOR DOT

16

- 36 = Abbott A. Williams
- 35 = Norma Hull
- 19 = Luette Collins
- 29 = Shirley Jones
- 38 = Tom Riley
- 7 = David & Sharon Michael
- 50 = Craig & Pam Skinner

- 30

- 10



SCALE: 1" = 1300'
REDUCED: 1" = 2640'

DATE	REVISIONS	DATE	REVISIONS
1-1-90	EXISTING LINE		
10-18-91	REVISED		
11-5-92	REDRAWN TO CAD		
	LATEST REVISION		

OZARK ELECTRIC COOPERATIVE

MT. VERNON, MISSOURI
MISSOURI 30 LAWRENCE

TOTAL COPY
TOTAL PLOT
APPROX. 10.00
LAWRENCE COUNTY
FOR 'ARV
LAW. 100'

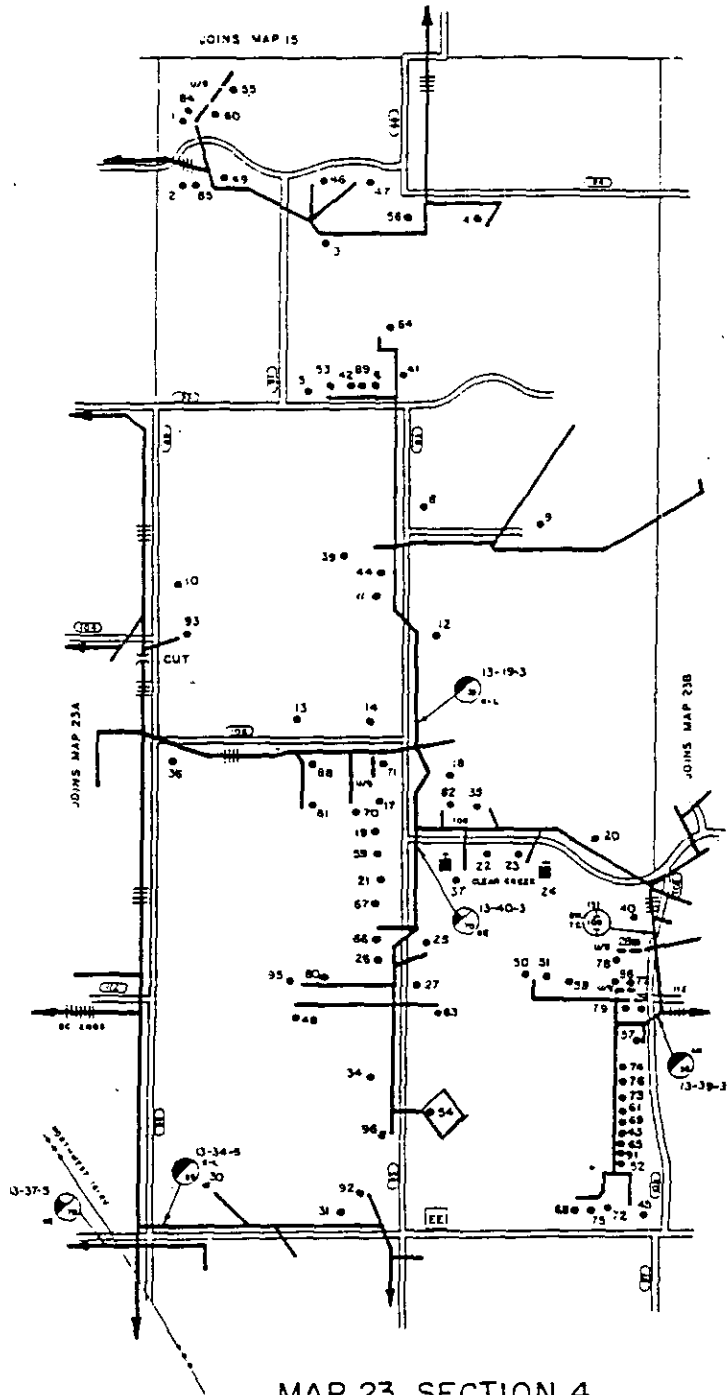
23A

54 = Elmer A. Scott

40 - 38
- 18

R23W

T
29
N



MAP 23, SECTION 4

SCALE: 1"=1000'
REDUCED: 1"=2000'

--D151

DATE	REVISIONS	DATE	REVISIONS
8-1-80	REVISED		

OZARK ELECTRIC COOPERATIVE

MT. VERNON, MISSOURI
MISSOURI 30 LAWRENCE

107th St.
107th St.
107th St.
GREENE CO.
107th St.
107th St.

D151

Drawn On 11/89