

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service Commission held at its office in Jefferson City on the 22nd day of April, 1994.

In the matter of the application of)
Thomas J. and Barbara A. Bakie for) CASE NO. EO-93-170
change of electric suppliers.)

ORDER DENYING REQUESTED RELIEF AND CLOSING CASE

On August 6, 1993, the Commission issued a Report and Order which granted to the Applicants, Thomas J. Bakie and Barbara A. Bakie (Bakies) a change of electric supplier from White River Valley Electric Cooperative, Inc. (White River) to The Empire District Electric Company (Empire). On October 19, 1993, the Bakies filed a letter with the Commission, requesting that the Commission issue a clarification of its prior order, or a separate specific order requiring White River to remove its poles and wires from the Bakies' property at White River's expense.

The Bakies desire the removal of White River's poles and wires from their property, and seek a Commission order directing White River to remove its poles and wires from the Bakies' property at White River's expense. On March 10, 1994, the Commission issued an Order Granting Clarification, which indicated the Commission's belief that the applicable change of suppliers statutes do not explicitly authorize an order requiring equipment removal by the prior supplier of electricity, nor the allocation of any costs relating thereto. The Commission did, however, express concern over whether the remaining poles would present a present or future safety hazard, and thus ordered the Staff of the Commission (Staff) to conduct an investigation and issue a report on the matter.

Staff filed a Staff Report on April 11, 1994, which indicated that the electric facilities owned by White River and located on the Bakies' property were built and are maintained in accordance with the National Electrical Safety

Code; that the facilities are not energized; and that no other attachments, such as telephone facilities, are connected to the facilities of White River. The Staff Report also explained that there is no electrical path to the Bakie structure should lightning strike the de-energized facilities; that a lightning strike would follow the facilities to ground; that the de-energized phase conductor has been grounded; and that lightning arresters are attached to poles #3 and #4. Staff concludes that White River's electric facilities do not pose a safety problem.

Upon a review of Staff's Report, the Commission determines that it would be inappropriate, and possibly in excess of its authority, to order White River to remove its facilities from the Bakies' property at its own expense, where no safety hazard has been shown. In view of the fact that the ordered change of electric suppliers was completed on October 12, 1993, the Commission is of the opinion that this case should be closed.

IT IS THEREFORE ORDERED:

1. That the request of Thomas J. Bakie and Barbara A. Bakie for an order of the Commission requiring White River Valley Electric Cooperative, Inc. to remove its poles and wires from the Bakies' property at White River's expense be and is hereby denied.

2. That this docket be and is hereby closed.

3. That this Order shall become effective on May 3, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

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