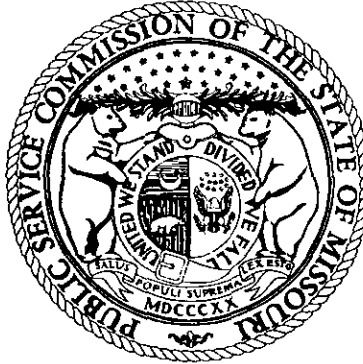


**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**



In the Matter of the Application of Ronald Albright for Change of Electric Supplier.	) <u>Case No. EO-97-314</u>)
In the Matter of the Application of Jerry Lilley for Change of Electric Supplier.	) <u>Case No. EO-97-315</u>)
In the Matter of the Application of William R. and Joan Van Sant for Change of Electric Supplier.	) <u>Case No. EO-97-316</u>)
In the Matter of the Application of E. Lynn and Wanda Wilson for Change of Electric Supplier.	) <u>Case No. EO-97-317</u>)
In the Matter of the Application of Gil Edmiston for Change of Electric Supplier.	) <u>Case No. EO-97-318</u>)
In the Matter of the Application of Lazy Valley Resort for a Change of Electric Supplier.	) <u>Case No. EO-97-378</u>)
In the Matter of the Application of Lilleys' Landing for a Change of Electric Supplier.	) <u>Case No. EO-97-428</u>)

REPORT AND ORDER

Issue Date: January 27, 1998

Effective Date: February 6, 1998

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Ronald Albright for Change of Electric Supplier.	)	<u>Case No. EO-97-314</u>
)	
In the Matter of the Application of Jerry Lilley for Change of Electric Supplier.	)	<u>Case No. EO-97-315</u>
)	
In the Matter of the Application of William R. and Joan Van Sant for Change of Electric Supplier.	)	<u>Case No. EO-97-316</u>
)	
In the Matter of the Application of E. Lynn and Wanda Wilson for Change of Electric Supplier.	)	<u>Case No. EO-97-317</u>
)	
In the Matter of the Application of Gil Edmiston for Change of Electric Supplier.	)	<u>Case No. EO-97-318</u>
)	
In the Matter of the Application of Lazy Valley Resort for a Change of Electric Supplier.	)	<u>Case No. EO-97-378</u>
)	
In the Matter of the Application of Lilleys' Landing for a Change of Electric Supplier.	)	<u>Case No. EO-97-428</u>
)	

APPEARANCES

Bonnie E. Albright, 10070 Northeast 50th Street, Weir, Kansas 66781, for
Ronald and Bonnie Albright.

Jerry D. Lilley, 105 River Lane, Branson, Missouri 65616, pro se.

William R. Van Sant, 171 River Lane, Branson, Missouri 65616, for
William R. and Joan Van Sant.

Rodric A. Widger, Andereck, Evans, Milne, Peace & Baumhoer, L.L.C.,
1111 South Glenstone, Post Office Box 4929, Springfield, Missouri
65808-4929, for White River Valley Electric Cooperative, Inc.

Dean L. Cooper, Brydon, Swearengen & England, P.C., 312 East
Capitol Avenue, Post Office Box 456, Jefferson City, Missouri 65102, for
The Empire District Electric Company.

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

William K. Haas, Senior Counsel, Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, for the staff of the Missouri Public Service Commission.

REGULATORY LAW JUDGE: Elaine E. Bensavage.

REPORT AND ORDER

Procedural History

Seven applications for change of electrical supplier were filed with the Missouri Public Service Commission (Commission) during the period from February 11, 1997 to March 31. All of the applicants' properties are located in the vicinity of Branson, Missouri, all of the applicants are presently being served by White River Valley Electric Coop., Inc. (White River), and all seek to change their electric supplier to The Empire District Electric Company (Empire). The Commission issued an Order and Notice in each case notifying both electric suppliers of the applications and ordering the suppliers to file their response. In conjunction with its Order and Notice, the Commission directed its Records Department to send a copy of Commission information about proper procedure for *pro se* applicants for change of supplier, as well as a copy of the Commission's rules on practice and procedure to those applicants not represented by an attorney.¹

¹ The Commission notes that the information for *pro se* applicants specifically states: "The applicant should also be aware that if any pleading or correspondence is to be filed with the Commission, a copy of that document must be sent to all the other parties." Nevertheless, several applicants submitted correspondence to various employees of the Commission, as well as to a Commissioner, without sending copies to the other parties. These letters constitute *ex parte* contacts.

White River filed timely responses to all seven applications. With one exception, White River filed the same response to all the applications. White River admitted that it provided electric service to the applicants, denied that there were any service problems, including outages, beyond normal repairs, maintenance and upgrades, and interruptions due to events beyond White River's control, and denied that more reliable service is available from another supplier. With regard to the application of E. Lynn and Wanda Wilson, Case No. EO-97-317, White River stated that the jurisdiction of the Commission to hear applications for change of suppliers does not extend to "the service, rates, financing, accounting or management of any such cooperative," citing to Section 394.395 [sic], RSMo 1994. White River thus requested that the Commission issue an order dismissing this application for the reason that it sought relief not available from the Commission.

Empire also filed timely responses to the seven applications. Empire stated that it did not solicit the applicants and took no position on the merits of the applications. Empire further stated that the necessity for and amount of any connection fee would depend on the total number of persons connecting to its system, and their location relative to Empire's facilities, since Empire's tariff permits a 1,000-foot extension at no direct cost to the customer. Sufficient rights-of-way for the location of buried electric cable would also have to be obtained in order to provide service.

The Commission subsequently issued an Order Establishing Procedural Schedule in each case, which scheduled a hearing for August 25. A hearing was held as scheduled. However, of the applicants, only Bonnie E. Albright, Jerry D. Lilley, and William R. Van Sant appeared

before the Commission. At the hearing, testimony was presented on behalf of applicants Albright, Lilley, and Van Sant, and the Staff of the Commission (Staff) and White River. The parties presented oral arguments in lieu of briefs at the close of the hearing.

Rulings

At the hearing, several rulings were made on both pending motions and motions raised at the hearing. In order to keep the record clear, the Commission will reiterate those rulings here.

A motion for an extension of time to file interrogatory answers in Case No. EO-97-428 was denied as moot. This case was also dismissed at the request of White River since Lilleys' Landing Resort, Inc. (Lilleys' Landing) was not represented by an attorney at the hearing. Missouri law does not permit a corporation to represent itself in legal matters, but instead corporations must act solely through licensed attorneys. Reed v. Labor and Indus. Relations Comm'n, 789 S.W.2d 19, 21 (Mo. 1990).

White River requested the dismissal of Case Nos. EO-97-318 and EO-97-378 for failure of the applicants to appear at the hearing. The Commission dismissed Case Nos. EO-97-318 and EO-97-378 pursuant to rule 4 CSR 240-2.110(4)(B), which states that failure to appear at a hearing without previously having secured a continuance shall constitute grounds for dismissal of the party's complaint, application or other action unless good cause for the failure to appear is shown.

Finally, White River requested the dismissal of Case No. EO-97-317 because the complaint involved a dispute over a deposit requirement, a matter over which the Commission would have no jurisdiction, and because applicants did not appear at the hearing. The Commission dismissed Case No. EO-97-317 on both bases. The Commission notes that both statutory

provisions which provide the Commission with jurisdiction in change-of-supplier cases involving rural electric cooperatives explicitly exclude Commission jurisdiction over the rates of an electric cooperative. See §§ 394.080.5 and 394.315.2, RSMo 1994. In addition, this case was properly dismissed pursuant to 4 CSR 240-2.110(4)(B) for the applicants' failure to appear at the hearing.

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 positions and arguments of all of the parties have been considered by the Commission in making this decision. Failure to specifically address a piece of evidence, position or argument of any party does not indicate that the Commission has failed to consider relevant evidence, but indicates rather that the omitted material was not dispositive of this decision.

The applicants in these seven change-of-supplier cases either have primary residences, vacation homes, or businesses located at River Lane in Branson, Missouri, and currently receive electrical service from White River. River Lane parallels the upper part of Lake Taneycomo, with applicants' property located on the lake side of the road.

White River is a rural electric cooperative with the general powers designated in Section 394.080, RSMo. 1994. Empire is an electrical corporation and public utility as defined in Section 386.020(15) and Section 386.020(42), RSMo Supp. 1997. Because four of the applications were dismissed, only Case Nos. EO-97-314, EO-97-315, and EO-97-316 remain for the Commission's decision. Applicants seek through this proceeding an

order from the Commission authorizing them to change electric suppliers from White River to Empire.

Evidence Regarding Individual Applicants

RONALD ALBRIGHT, Case No. EO-97-314:

Applicant Ronald Albright was represented at the hearing by his wife, Bonnie Albright. Applicant Albright indicated that he experiences frequent power outages resulting in the loss of water and heat in his vacation home, and that power surges and fluctuations cause computer and other equipment problems. Mrs. Albright testified that she and her husband are very concerned about the possibility of an outage occurring in the wintertime when the applicants are not at their vacation home. Because the home is all-electric, applicants fear that the pipes in their home may freeze. She also claims that a power surge destroyed a well pump ten years ago, and that a TV set was destroyed by a power surge less than a month before the hearing. Mrs. Albright testified that the clock in their vacation home usually needs to be reset when they visit, indicating that a momentary blink or outage has occurred. Finally, Mrs. Albright testified that the number of outages at their vacation home is greater than the number of outages they experience in their home in Weir, Kansas, which is located in rural southeast Kansas.

JERRY D. LILLEY, Case No. EO-97-315:

Applicant Lilley testified that he experiences frequent power fluctuations and outages at his home, and that the outages affect his access to water and sewer as well, since both require electric pumps. Mr. Lilley also complained of damage to compressors and computers by fluctuations and interruption of service, and difficulty in contacting

White River to report an outage. Mr. Lilley complained of blinking clocks and damaged equipment, although he conceded that he could not prove the lost equipment was caused by White River. Mr. Lilley entered into evidence a letter from Empire indicating that Empire had only had two outages in the past year. Further, Mr. Lilley testified that he had never experienced the number of outages that he has experienced with White River when he lived at other locations, including locations similar in terrain, such as a rural area in Parsons, Kansas, which is located in southeast Kansas. Mr. Lilley noted that there had been additional outages since the time Staff's testimony was filed, which would bring the total number of outages to 17.

WILLIAM R. and JOAN VAN SANT, Case No. EO-97-316:

Applicants Van Sant claimed that they have experienced numerous power interruptions and outages, and that as retired senior citizens they require a more reliable electric supplier to ensure that they have a constant supply of heating, cooling, and air filtration. Mr. Van Sant testified that he has a heart condition, and his wife has arthritis and problems with her joints. Mr. Van Sant expressed concern about his or his wife's ability to open their garage door or use the phone to get help in a medical emergency. In addition, Mr. Van Sant relayed an incident in which a power outage occurred while he was exercising on a treadmill, and the treadmill stopped abruptly, which caused him to fall and wrench his back. Mr. Van Sant claims that he has had equipment damaged by power surges and voltage fluctuations. In particular, Mr. Van Sant claims that a power surge occurred on July 12, at a time when there was no electrical storm. Mr. Van Sant has had to replace components in his computerized heat and air conditioning control system twice in the last two years, which he attributes to voltage fluctuations. In addition, Mr. Van Sant indicated

that when outages occur, he and his wife are required to reset their security system, air and heating control system, clocks, VCR, TVs, microwaves, and the timers on a water softener and kitchen stove, which is time-consuming and frustrating. The motion detector lights outside their home sometimes lock on, which can be a problem if they are not home to turn them off.

Mr. Van Sant also read from a letter which he was asked to sign by White River when he became a member of the Cooperative. The letter indicated that power outages could occur, and recommended that members obtain backup power system generators for critical or sensitive equipment, and protective devices such as surge protectors, lightning arresters, and lightning and line conditioners to guard against equipment damage. The letter also indicated that White River would assist its members in the selection of standby equipment and protective devices. Mr. Van Sant offered into evidence affidavits from the remaining property owners on River Lane, which indicated that these owners did not object to having their electric supplier switched from White River to Empire.

Staff testified that the properties on River Lane are served by a single-phase overhead line, which extends approximately one-quarter mile to a three-phase White River feeder. River Lane line is directly connected to White River's three-phase line, which serves an additional 850 customers. Staff states that there have been 13 outages during a seven-month period. Staff noted that the line is in good shape with respect to tree trimming, and that White River expects to increase the number of lines for incoming calls from eight to 24 when it installs an automated answering system during the first part of 1998. Staff further notes that White River does not have a policy on squirrel guards, since its

experience has been that squirrels will chew up squirrel protection devices.

Staff recommends that the applicants' request for a change of suppliers be denied. Staff maintains that while 13 outages in a seven-month period are enough to be concerned about, most of the outages were beyond the control of White River. Staff notes that there are over 850 customers served by this same line, and no other requests or complaints have been received from those customers. Staff notes that the present value of White River's facilities on River Lane is estimated to be approximately \$41,000. Since not all of the customers on River Lane have requested a change of supplier, Empire would have to duplicate the White River line. In order to eliminate the duplication, all of the customers on River Lane would have to be changed to Empire, and White River's facilities would have to be sold to Empire. Staff states that it does not believe the outages are sufficient for a change in suppliers to be in the public interest.

Staff recommends that since four of the outages, representing 70 percent of the outage time, were related to squirrels, White River should work with manufacturers or electrical suppliers to secure a squirrel guard which will protect the transformers and other electrical facilities against outages. With respect to Case No. EO-97-314, Staff also notes that Mr. Albright does not have a computer at his vacation home, but instead was referring in his application to the equipment of neighbors. With regard to Case No. EO-97-315, Staff also noted that the power fluctuations alluded to in the application were the result of breaker (switch) operations during the outages.

White River states that it receives electricity from its supplier, KAMO Power at the Table Rock Substation, and the electricity flows over White River's three-phase system for a distance of 4.75 miles, at which point the voltage is reduced and passes over less than eight-tenths of a mile of single-phase line to the applicants. White River reviewed its records regarding service continuity from January 1, 1997. White River reported approximately the same number of outages as was reported by Staff. White River indicated that it installed a voltage recorder in April to measure voltage fluctuations on the line serving the applicants. Since the graphs produced by the recording data showed consistent voltage in an acceptable range, White River concluded that the complaints were not about true voltage fluctuations but rather about unexpected power interruptions. White River also indicated that it intended to install a software program which would more quickly isolate an outage location on its mapping system, so that trouble crews could focus their attention on the right places.

White River claims that as long as its system is exposed to lightning, weather, construction, trees and animals, there will be breaker operations. White River notes that squirrels are recognized as a problem across the nation, and that the Electric Power Research Institute (EPRI) is conducting research into animal control. Finally, White River states that the line serving these customers was rebuilt only four years ago, and that the installed cost, including wire transformers, material, and labor, is approximately \$40,000 to \$41,000. If applicants were allowed to change electric suppliers, White River would not be able to retire the line, since it would continue to be used to serve other customers over common facilities.

General Findings

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 consistent with regard to the types of problems they were experiencing. The Commission finds that there have been approximately 17 outages within a seven-month period of time. Many of those outages were only momentary blinks; however, at least five of the outages ranged from one to three hours in duration. Of the five lengthier outages, four of the five were attributed to squirrels on the line. While the Commission recognizes that outages can occur for a number of reasons, many of which are not within the control of the electric supplier, the Commission finds that the evidence demonstrates a particular problem with squirrels causing outages.

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 would be for applicants to receive better service. Certainly, both Mr. Lilley and Mr. Van Sant expressed a desire for better service during their closing

arguments. In the event the Commission could not authorize a change in suppliers, Mr. Lilley asked whether the Commission could arrange for the situation to be monitored in the future regarding the quality of service, and Mr. Van Sant asked whether the Commission could obtain a commitment from White River that service would improve in the future. Were White River a regulated utility, the Commission would have had as an option the ability to order White River 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. 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.

Health issues were raised by Mr. Van Sant. However, the evidence does not indicate how Mr. Van Sant's heart condition or Mrs. Van Sant's arthritis would be affected by power outages. These applicants expressed a need for heating, cooling, and air filtration. The Commission notes that the longest outage was three hours, which is unlikely to have an undue impact on these needs. The biggest health-related concern involved the ability of the Van Sants to have access to telephone service. The Van Sants have cordless phones which are dependent upon an electrical supply. This problem could be resolved by the installation of a telephone which is not dependent upon an electrical supply.

The Commission also finds that it is likely that at least some of the applicants have had equipment damaged or destroyed, although the

evidence was sparse and contained hearsay. Because the evidence is not sufficiently specific or compelling to find that a particular appliance or piece of equipment was damaged or destroyed, it is difficult to measure the possible economic burden on the applicants. The Commission will not consider the Albrights' experience with their well pump, since the incident occurred ten years ago and is too far removed in time to be relevant.

Several factors militate against granting a change of suppliers. Staff has recommended that the applicants' request for a change of suppliers be denied. Staff's investigation was based on a review of White River's system and service continuity records, and its general experience. Staff concluded that most of the outages were not within White River's control. Although Staff's investigation and recommendations are not dispositive, they do weigh against granting a change in suppliers.

The applicants note that they are surrounded by properties which are served by Empire, and that when the electricity goes out at night, they can see lights on in the properties served by Empire. The Commission notes that this "island" situation -- where a group of properties served by one supplier is surrounded by another supplier -- is not unique. Were the Commission to give undue weight to this fact, it could expect to see additional applications from other people in the same situation. See, for example, In re the application of Martin J. Sinclair, Case No. EO-95-165, Report and Order, issued September 5, 1995, at 6-7. In effect, the Commission would be substituting its judgment for the judgment of White River and Empire, who are free to enter into a territorial agreement to address such matters as irregular borders. See § 394.312, RSMo 1994. Empire has not indicated a desire to enter into a territorial agreement or to purchase White River's facilities, which might be possible for it to do

under the circumstances delineated in Section 394.080.1(4). Instead, if the change was authorized by the Commission, Empire proposes to install buried electric cable, which would require it to obtain sufficient rights-of-way. White River would be left with a stranded investment of approximately \$40,000 if all the properties on River Lane were converted to Empire.

The Commission finds that it would not be in the public interest to authorize the transfer of all eleven properties on River Lane, since several of the applications were dismissed, and other property owners did not request a change in suppliers. The Commission is aware that the other property owners signed affidavits stating that they had no objection to a change in their electric supplier to Empire. The Commission finds that the affidavits alone are insufficient, since these property owners may not be aware of the potential costs, financial or otherwise, which may be incurred in switching suppliers. For example, there was testimony that it might be necessary to dig up driveways in order to install new facilities. It would not be in public interest for the Commission to order the transfer of all the properties on River Lane to Empire.

Likewise, it would not be in the public interest to authorize a change for only three of the properties in the area. This would require a duplication of facilities, and White River would experience some stranded investment. The Commission notes that White River rebuilt this line only four years ago. Any stranded investment would likely have an adverse economic impact on the remaining members of the Cooperative. The existence of two electric suppliers along the same street could cause confusion, and make the negotiation of territorial agreements and the drawing of territorial maps more difficult. Finally, there was little evidence to

show that applicants had considered alternatives to address the problem short of seeking a change in supplier.

After balancing all the pertinent factors, the Commission finds that the public interest would not be served by granting a change of electric suppliers to the applicants. However, the Commission notes that applicants may review White River's Articles of Incorporation or Bylaws to determine whether there exists a procedural avenue through which they may remedy their grievances. Applicants may participate in elections for the Board of Directors of White River, or may raise their complaints at White River's annual meeting, which it is required to hold pursuant to Section 394.120.2, RSMo 1994. They may also be able to seek redress in a court of competent jurisdiction.

Conclusions of Law

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

The burden of proof in change-of-supplier cases is on the applicant. In 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 a change of electric suppliers should be granted. Id. 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. Two statutes deal with a situation where the customer seeking

a change of supplier is 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 1994.

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 1994.

The Cominco case, cited above, In re the application of Thomas J. and Barbara A. Bakie, Case No. EO-93-170, Report and Order, issued August 6, 1993, and In re the application of Carol June Tyndall, et al., Case No. EO-93-295, Report and Order, issued May 27, 1994, are 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:

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

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

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

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

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

(F) Whether a change in supplier would result in a duplication of facilities, especially in comparison with alternatives available from the present supplier, a comparison of which could include:

(i) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements, and

(ii) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;

(G) 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 (F)(ii) above;

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

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

(J) 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.

The Commission has applied its factual findings to the factors listed above, and concludes that a change in electric suppliers is not in the public interest. 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 in suppliers is not a remedy which is in the public interest in these cases.

IT IS THEREFORE ORDERED:

1. That Case Nos. EO-97-317, EO-97-318, EO-97-378, and EO-97-428 are closed.

2. That the application for change of electric supplier filed by Ronald Albright in Case No. EO-97-314 is denied.

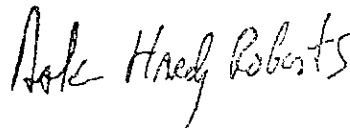
3. That the application for change of electric supplier filed by Jerry D. Lilley in Case No. EO-97-315 is denied.

4. That the application for change of electric supplier filed by William R. and Joan Van Sant in Case No. EO-97-316 is denied.

5. That this Report And Order shall become effective on February 6, 1998.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

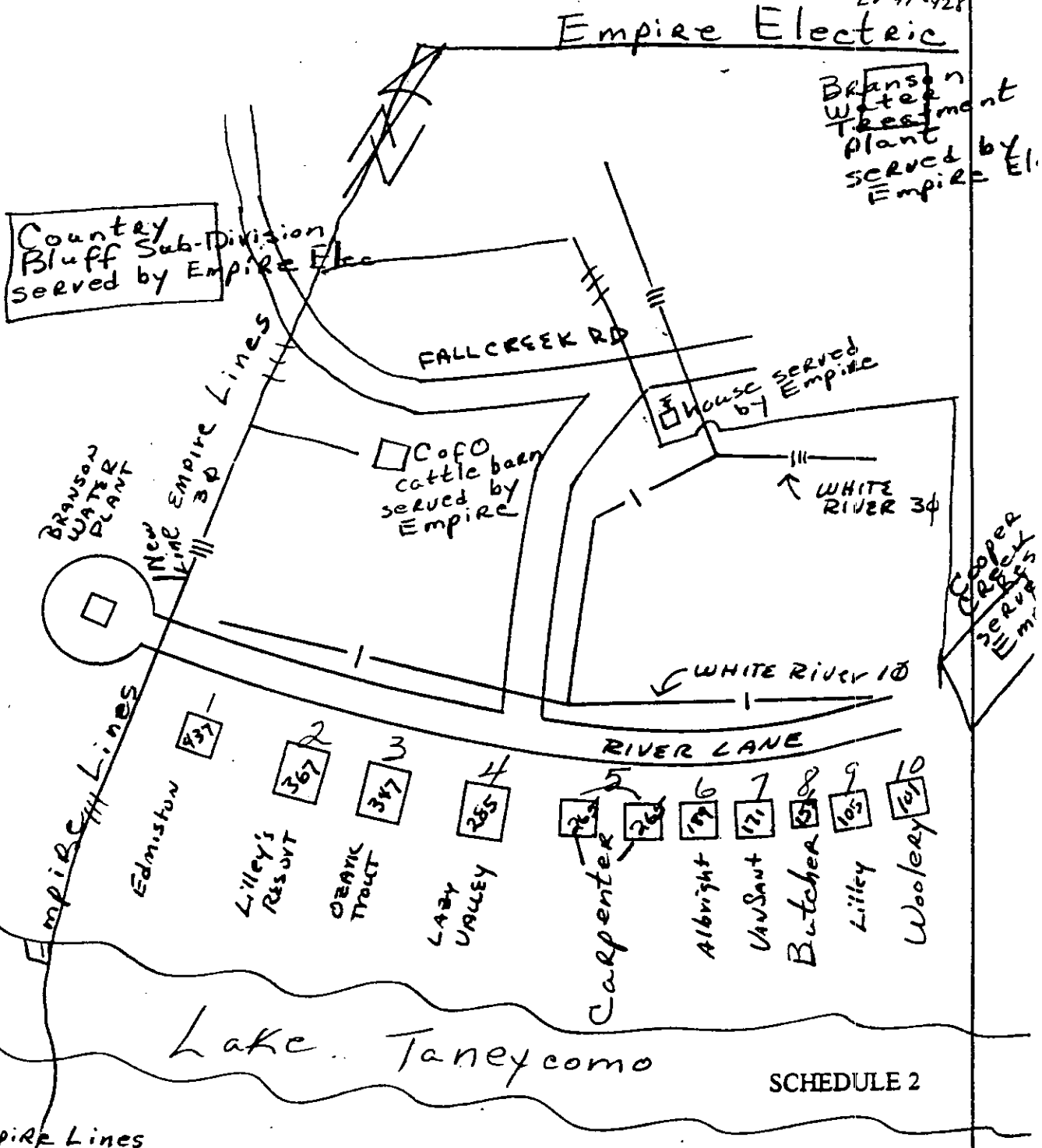
Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur and
certify compliance with the
provisions of Section 536.080,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 27th day of January, 1998.

N/7 12

Case No. EO-97-316

EXHIBIT NO. 2
Date 8/25/97 Case No. EO-97-316
Reporter XR
EO-97-317
EO-97-318
EO-97-378
EO-97-428



Empire Lines
to C of O

SCHEDULE 2

Total of 10 property
owners on River Lane