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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Union Electric Company d/b/a AmerenUE)
and Ozark Border Electric Cooperative for)
Approval of a Written Territorial Agreement)
Designating the Boundaries of Each Electric)
Service Supplier within Portions of)
Bollinger, Butler, Carter, Dunklin, Iron,)
Madison, New Madrid, Reynolds, Ripley)
Stoddard and Wayne Counties, Authorizing)
the Sale, Transfer, and Assignment of)
Certain Electric Distribution Facilities,)
Easements and Other Rights, Generally)
Constituting the Applicants' Electric)
Utility Business Associated with its)
Customers Transferred Pursuant to the)
Territorial Agreement)

Case No. EO-99-599

ORDER GRANTING MOTION TO SUSPEND
PROCEDURAL SCHEDULE IN PART

Procedural History

On June 16, 1999, Union Electric Company d/b/a AmerenUE and Ozark Border Electric Cooperative (jointly, Applicants) filed their Joint Application for approval of their agreement contained in a document entitled Territorial Agreement (territorial agreement).

On June 24, 1999, the Missouri Public Service Commission (Commission) entered its Order and Notice, stating, *inter alia*, that proper parties should be given notice and an opportunity to intervene, that any interested party wishing to do so shall file an application no

later than July 14, 1999, and that the parties may file a procedural schedule no later than July 16, 1999.

On July 9, 1999, the Office of the Public Counsel filed its Request for Local Hearing, citing consumer interest in this matter. Applicants did not file a response.

On July 13, 1999, the City of Poplar Bluff timely filed its Application to Intervene. On August 16, 1999, the City of Malden untimely filed its Application to Intervene. On August 26, 1999, the Stoddard County Intervenors untimely filed their Application to Intervene. The Commission granted intervention to the City of Poplar Bluff, Missouri, the City of Malden, Missouri, and the Stoddard County Intervenors on August 4, August 31, and September 7, 1999, respectively.

On July 16, 1999, the parties filed an abbreviated Proposed Procedural Schedule, suggesting that a prehearing conference be scheduled in advance of an evidentiary hearing proposed for August 23, 1999.

On August 3, 1999, the Commission entered its Order Scheduling Local Hearing which scheduled a local public hearing in Dexter, Missouri, on August 19, 1999. This hearing was held as ordered.

On August 4, 1999, the parties filed a Revised Proposed Procedural Schedule. On August 10, 1999, the Commission issued its Order, which, *inter alia*, rejected the parties' proposed procedural schedule and established its own procedural schedule.

On August 11, 1999, all the parties filed their Motion to Reconsider Procedural Schedule and Request for Expedited Consideration. On August 17, 1999, the Commission granted, for good cause shown, the

date for ruling on the territorial agreement beyond the statutory 120-day limit, and also granted the parties' motion to reconsider, adopting the following procedural schedule:

Direct testimony of Applicants	-	August 9, 1999 3:00 PM
Local Public Hearing	-	August 19, 1999 6:00 PM
Rebuttal testimony (all parties except Applicants)	-	August 27, 1999 3:00 PM
Statement of Issues	-	September 2, 1999 3:00 PM
Surrebuttal/Cross-Surrebuttal (all parties)	-	September 9, 1999 3:00 PM
Statements of Positions on the Issues (all parties)	-	September 13, 1999 3:00 PM
Evidentiary Hearing	-	September 17, 1999 9:00 AM

On August 31, 1999, the Commission ordered the date of the evidentiary hearing changed to September 22, 1999.

On September 8, 1999, all the parties filed a motion to suspend procedural schedule in part and request for expedited consideration. The parties stated that they had engaged in efforts to reach a settlement. They stated that they believe they have "reached an agreement in principle" which would settle the case and are thus preparing a unanimous stipulation and agreement and an amended joint application. Both of these documents would be filed as set forth herein.

The parties stated that they all agreed that to continue with the present procedural schedule would not be an efficient use of resources

and would retard the preparation of the unanimous stipulation and agreement. Accordingly, the parties stated that the appropriate action would be to suspend a part of the remaining procedural schedule, viz., surrebuttal/cross-surrebuttal and the statement of positions on the issues by all parties; the date of the evidentiary hearing would remain the same and that date and time would be used for presenting the unanimous stipulation and agreement.

The parties stated that in the event that they were unable to file a unanimous stipulation and agreement by September 14, 1999, then the parties would file a proposed procedural schedule by September 15, 1999. The parties further agreed that the amended territorial agreement between the Applicants, as well as any evidence in support of the unanimous stipulation and agreement, may be filed at any time up to and including the time of the evidentiary hearing.

The parties further requested expedited consideration of their motion. The Commission will grant the parties' motion.

IT IS THEREFORE ORDERED:

1. That only the following parts of the procedural schedule are suspended until further notice:

Surrebuttal/Cross-Surrebuttal (all parties)	-	September 9, 1999 3:00 PM
Statements of Positions on the Issues (all parties)	-	September 13, 1999 3:00 PM

2. That the amended joint application and any evidence in support of a unanimous stipulation and agreement shall be filed no later than 3:00 PM, September 16, 1999.

3. That the parties shall file a proposed unanimous stipulation and agreement no later than 3:00 PM, September 14, 1999, or, if that is not filed, then the parties shall file a proposed procedural schedule no later than 3:00 PM, September 15, 1999.

4. That this order shall become effective on September 27, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
4 CSR 240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 15th day of September, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION