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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

SECOND ORDER CHANGING DATE OF EVIDENTIARY HEARING

By Order issued August 31, 1999, the Missouri Public Service Commission (Commission) re-set an evidentiary hearing in this case for September 22, 1999. On September 20, 1999, all the parties filed a Joint Motion to Delay Hearing Date and Request for Expedited Consideration (Motion).

In the Motion, the parties stated that on September 8, 1999, all the parties filed their Motion to Suspend Procedural Schedule in Part and Request for Expedited Consideration, requesting, *inter alia*, that the Commission suspend the filing of Surrebuttal/Cross-Rebuttal and the

Statement of Positions on the Issues by all parties, pending the filing by September 14, 1999, of a Unanimous Stipulation and Agreement.

In response thereto, on September 15, 1999, the Commission issued its Order Granting Motion to Suspend Procedural Schedule in Part (Order), in which it ordered: (1) That only the following parts of the procedural schedule are suspended until further notice, to-wit: the filing of both the Surrebuttal/Cross-Surrebuttal and the Statements of Positions; (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 p.m., September 16, 1999; and, (3) That the parties shall file a proposed Unanimous Stipulation and Agreement no later than 3:00 p.m., September 14, 1999, or, if that is not filed, then the parties shall file a proposed procedural schedule no later than 3:00 p.m., September 15, 1999.

The parties stated that, although the timing of the Commission's Order prevented full compliance in response thereto, the parties recognize that, despite their best efforts, they failed to meet their own expectations regarding filing deadlines as set forth in their Motion. The parties stated that the difficulties encountered were aggravated because William Bobnar (Bobnar), the attorney for Union Electric Company d/b/a AmerenUE, who has played a primary role in virtually all of the negotiations as well as in the drafting of the key documents in this case, developed an acute medical condition the week before the Motion that necessitated a visit to the emergency room and caused him to be bed-ridden for the remainder of the week. The parties stated that as of

the date of the filing of the Motion, it is likely that Bobnar will not be able to return to work until late in the week of September 20, 1999, or perhaps even the week of September 27, 1999. The parties stated that while a Unanimous Stipulation has not yet been filed, the parties have reached an agreement in principle regarding revisions to the Territorial Agreement, and they continue to believe that a Unanimous Stipulation and Agreement will be concluded for presentation to the Commission in the near future. The parties stated that execution of the Unanimous Stipulation and Agreement, however, is dependent upon the completion of the Revised Territorial Agreement, which completion is now stalled by the unexpected unavailability of Bobnar.

Because of the problems in this case, the evidentiary hearing in this matter will be re-set for Friday, October 8, 1999, beginning at 9:00 a.m. Also, because the Motion was filed by all parties, expedited treatment will be given.

IT IS THEREFORE ORDERED:

1. That this matter has been rescheduled for hearing on October 8, 1999, beginning at 9:00 a.m. in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.
2. That anyone wishing to attend who has special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of

the following numbers: Consumer Services Hotline -- 1-800-392-4211 or
TDD Hotline - 1-800-829-7541.

3. That this order shall become effective September 24, 1999.

BY THE COMMISSION



Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(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 24th day of September, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION