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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Joint Application       )  
of the City of Poplar Bluff, Missouri,       )  
and Ozark Border Electric Cooperative       )  
for Approval of a Territorial Agreement       )  
Involving Three Areas in Butler County,       )  
Missouri.                                        )

Case No. EO-98-143

**ORDER AND NOTICE OF APPLICATION TO ENTER**  
**INTO A TERRITORIAL AGREEMENT**

On October 3, 1997, the City of Poplar Bluff, Missouri, (the City) and Ozark Border Electric Cooperative (Ozark) filed a joint application with the Commission pursuant to Section 394.312, RSMo 1996, requesting approval of a territorial agreement between the joint applicants. A copy of the written territorial agreement and a map depicting that agreement were filed with the joint application.

The proposed agreement sets out areas, designated as zones one, two and three, and provides the terms and conditions between the joint applicants for the provision of service in those areas. The designated areas all surround the corporate city limits of the City of Poplar Bluff. The agreement does not require a change of service by any customer between the joint applicants but does contemplate possible changes of supplier may occur in the designated zones upon annexation by the City.

Section 394.312, RSMo 1994, requires both notice and an evidentiary hearing before the Commission may approve this agreement. Unless good cause exists, the Commission is required to issue its report and order in this matter no later than January 30, 1998.

Upon review of this filing, the Commission finds it appropriate that notice of this application be made to the general public and interested parties, and that a date for intervention of proper parties be set. In addition, the Commission instructs the joint applicants, Staff of the Commission and Office of the Public Counsel to file a proposed procedural schedule at their convenience.

Notice of this application shall be given by the Records Department of the Commission to the county commission of Butler County, to the mayor of the City of Poplar Bluff and to all regulated electric utilities in the state of Missouri.

Notice of this application shall also be given by the Information Officer of the Commission to the members of the General Assembly representing Butler County and to all publications of general circulation in Butler County as set out in the *Official Manual of the State of Missouri*.

Proper persons wishing to intervene shall have until the close of business, November 10, 1997, in which to file an application to intervene with the Executive Secretary of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, with copies sent to:

Gary W. Duffy, Attorney at Law  
Brydon, Swearngen & England, P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, Missouri 65102-0456

Mark A. Kennedy, Attorney at Law  
Kennedy & Kennedy  
1165 Cherry Street  
P.O. Box 696  
Poplar Bluff, Missouri 63902

**IT IS THEREFORE ORDERED:**

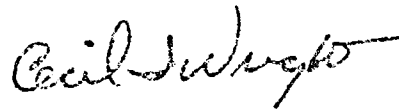
1. That the Records Department and Information Officer of the Commission are directed to send notice as indicated in this order.

2. That any interested party wishing to intervene in this case shall file an application requesting intervention no later than the close of business, November 10, 1997.

3. That the current parties to this matter will file a suggested procedural schedule at their convenience.

4. That this order shall become effective on October 10, 1997.

**BY THE COMMISSION**

A handwritten signature in dark ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

**Cecil I. Wright  
Executive Secretary**

(S E A L)

Joseph A. Derque III, 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 10th day of October, 1997.