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November 21, 2000

Mr. Dale H. Roberts  
Secretary/Chief Regulatory Law Judge  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**

NOV 21 2000

Missouri Public  
Service Commission

**Re: City of Rolla, Missouri  
Case No. EA-2000-308**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **Position Statement of the Office of Public Counsel**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Ruth O'Neill".

M. Ruth O'Neill  
Assistant Public Counsel

MRO:jb

cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
NOV 21 2000

Missouri Public  
Service Commission

In the Matter of the Application of the )  
City of Rolla, Missouri, for an Order )  
Assigning Exclusive Service Territories )  
And for Determination of Fair and ) Case No. EA-2000-308  
Reasonable Compensation pursuant to )  
Section 386.800 RSMo. 1994 )

POSITION STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

COMES NOW, the Office of Public Counsel (Public Counsel), and respectfully states its position as to the Issues presented in the above captioned matter:

I. At this time, Public Counsel takes no position on the issue of whether the City of Rolla's requests for an assignment of the exclusive territory and transfer of Intercounty Electric Cooperative Association's facilities are in the public interest. However, Public Counsel reserves the right to take a position on all issues related to the proposed reassignment of service territory between the parties at a later date.

II. At this time, Public Counsel takes no position on the issue of whether the commission should assign the annexed area, in whole or in part, to the exclusive territory of the City of Rolla. Public Counsel is aware that a number of the current Intercounty customers who reside in the annexed area are opposed to switching their service from Intercounty to the City. Public Counsel believes that the opinions voiced by the customers who will be affected by the Commission's decision in this case should be given due consideration. Public Counsel reserves the right to take a position on this issue at a later date.

III. In the event that the Commission determines that the annexed area, in whole or in part, should be assigned to the City of Rolla, Public Counsel believes that Intercounty is entitled to be paid fair and reasonable compensation for its facilities and property which serves the annexed area. Public Counsel takes no position on what this amount should be, except to request that the Commission follow the dictates of RSMo 386.800.5. Public Counsel reserves the right to take a position on issues related to compensation at a later date.

IV. At this time, Public Counsel takes no position on any other issue related to calculating fair and reasonable compensation in the event of a transfer of territory or facilities. Public Counsel reserves the right to take a position on these issues at a later date.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:   
M. Ruth O'Neill (#49456)  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 21<sup>st</sup> day of November, 2000:

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Attorney for Intervenors  
("Southside Neighbors")



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