



Missouri Public Service Commission

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January 24, 2000

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P. O. Box 360
Jefferson City, MO 65102

FILED 2

JAN 24 2000

Missouri Public
Service Commission

RE: Case No. EO-2000-346

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a STAFF RECOMMENDATION.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

[Handwritten signature]

David J. Stueven
Assistant General Counsel
(573) 751-6726
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DS/dkf
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

JAN 24 2000

Missouri Public
Service Commission

In the Matter of the Application of Jack)
Hearrell for a Change of Electric Supplier)
from White River Valley Electric)
Cooperative, Inc., to the Empire District)
Electric Company)

Case No. EO-2000-346

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission ("Staff")
and for its recommendation states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") issue an order approving the Application of Jack Hearrell for a Change of Electric Supplier ("Application") from White River Valley Electric Cooperative, Inc. ("White River"), to the Empire District Electric Company ("Empire").
2. Mr. Hearrell's Application meets the filing requirements of 4 CSR 240-2.060(12).
3. Pursuant to §394.315.2 RSMO (1994), the Commission may order a change of electrical suppliers, from a cooperative to a regulated company, on the basis that "it is in the public interest for a reason other than a rate differential."
4. White River cannot set new meters within the city limits of Branson, as Branson's population is in excess of 1500. White River can only set new meters in rural areas, which by statute, excludes any city, town, or village having a population in excess of 1500 inhabitants (see RSMo §§394.020(3) and 394.080.1(4) (1994)). Empire has facilities in the area and is in a position to provide electric service.

5. Mr. Hearrell's development of his property requires White River to relocate its existing lines on Mr. Hearrell's property. Approving the Application would allow White River to abandon its existing lines and not require them to build new facilities to serve the existing structures on Mr. Hearrell's property. Any White River facilities could not be used to provide service to any new structures on Mr. Hearrell's property (a planned 320 unit time share development).

6. It is Staff's opinion that it is in the public interest, for a reason other than a rate differential, to approve Mr. Hearrell's Application.

WHEREFORE, Staff requests that the Commission issue an order approving Mr. Hearrell's Application for a Change of Electrical Supplier from White River Valley Electrical Cooperative, Inc., to the Empire District Electric Company.

Respectfully submitted,

DANA K. JOYCE
General Counsel



David J. Stueven
Assistant General Counsel
Missouri Bar No. 51274

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 24th day of January 2000.



MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. EO-2000-346 Jack Hearrell for a Change of Electric Supplier

FROM: Jim Ketter, Electric Department *JK*

Wes Henderson by RW *Steven Dotson* 1/24/00
Utility Operations Division/Date General Counsel's Office/Date

SUBJECT: Staff Recommendation

DATE: January 19, 2000

On November 29, 1999 Mr. Jack Hearrell filed an APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER to change the electric service provider from White River Valley Electric Cooperative (White River) to The Empire District Electric Company (Empire) at 3830 Green Mountain Drive, Branson, Missouri. In response to the ORDER AND NOTICE AND ORDER DIRECTING FILING AND RESPONSES, the FIRST AMENDED APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER was filed January 3, 2000. On January 4, 2000 Empire filed its response and on January 5, 2000 White River filed its response to the Amended Application, both expressing their support of the application.

Applicant requests a change in electric service provider to change the electric provider for three existing structures on property under development. Construction on the site requires the relocation of existing White River electric lines. White River is prohibited from setting new meters within the city limits of Branson because the population is over 1500. This change of electric service provider will allow White River to abandon existing electric lines and not have to build new facilities to serve the existing structures, which could not be utilized for new load. Empire has facilities in the area and is in position to provide electric service for the new development. The applicant, White River and Empire agree that this change of electric supplier is in the public interest.

The Staff has reviewed the application and recommends approval of the change of electric service provider. White River cannot serve new customers within the city limits and any construction of new facilities could not be utilized beyond the three existing structures. Empire is in position to provide electric service to the three structures and to the new development. It is the opinion of the Staff that it is in the public interest to allow the change of electric supplier.

Copies: Director - Utility Operations Division
Director - Utility Services Division
Director - Research and Public Affairs Division
General Counsel
Manager - Electric Department
Office of the Public Counsel
Jack Hearrell - Applicant
Rodric Widger - White River
Gary Duffy - Empire

Service List for
Case No. EO-2000-346
January 24, 2000

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