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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of application of Martin)
J. Sinclair for change of electric) CASE NO. EO-95-165
supplier.)

ORDER SETTING PROCEDURAL SCHEDULE

On April 5, 1995, a prehearing conference was held in the above-styled case to, among other things, give the parties an opportunity to agree upon a proposed procedural schedule. On April 5, 1995, the Staff of the Public Service Commission (Staff) filed a Motion to Establish Procedural Schedule, in which Staff listed a procedural schedule agreed to by the parties at the prehearing conference. Staff's Motion also indicated that the deposition of the Applicant Martin J. Sinclair (Mr. Sinclair or Applicant) has been scheduled by agreement of the parties, and asked that Mr. Sinclair be allowed to use the signed deposition as his prefiled direct testimony.

The Commission is of the opinion that a procedural schedule should be adopted for this case. Applicant shall be directed to prefile his direct testimony by May 12, 1995. The Staff, Office of the Public Counsel (Public Counsel), White River Valley Electric Cooperative (White River), and The Empire District Electric Company (Empire) shall be directed to prefile their rebuttal testimony by June 12, 1995. Applicant shall be directed to prefile his surrebuttal testimony by June 26, 1995, and all parties shall be directed to prefile their cross-surrebuttal testimony by June 26, 1995. A hearing memorandum shall be filed by July 13, 1995. All parties are directed to make their positions known to Staff in a timely fashion, to enable Staff to meet the deadline for the filing of the hearing memorandum. However, Staff is ultimately responsible for ensuring that the hearing memorandum is filed as required. An evidentiary hearing will commence at 10:00 a.m. on July 17, 1995, in the hearing room of the

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Missouri Public Service Commission, Harry S Truman State Office Building, 5th Floor, 301 W. High Street, Jefferson City, Missouri 65102.

Applicant shall prefile his direct testimony, may file a copy of his deposition instead of prefiling direct testimony, or may choose to file both. Applicant shall file six (6) copies of all prefiled testimony with the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102. If Applicant wishes to have his deposition filed in lieu of in addition to his prefiled direct testimony, Applicant need only file a letter with the Missouri Public Service Commission at the above address, stating that he wishes to have his deposition filed in lieu of direct testimony, or that he wishes to have his deposition filed in addition to his direct testimony. All other parties should file their testimony as directed by Commission rule.

Applicant shall prepare all prefiled testimony in question and answer format. The Commission has attached to its order as Attachment A a possible list of questions. This list is to illustrate the question and answer format which is required, and is not exhaustive or exclusive. Applicant should prefile the direct testimony or deposition of himself or at least one witness who has personal knowledge of the circumstances surrounding Applicant's request to change his electric supplier. Applicant may file the direct testimony of more than one witness, but each witness' testimony should be filed separately. Applicant's direct testimony should be specific and list names, dates, and times wherever possible. Copies of any exhibits which Applicant may wish to offer into evidence at the evidentiary hearing should be attached to the prefiled direct testimony, as schedules. In addition, while Applicant must at a minimum file either prefiled direct testimony or his deposition, Applicant may also choose to file surrebuttal testimony. Surrebuttal testimony must also be in question and answer format, and is limited to testimony responsive to matters raised

in the rebuttal testimony. All prefiled testimony shall include an affidavit under oath or affirmation.

The Commission also reminds the Applicant to bring with him to the hearing three (3) copies of anything he may wish to offer into evidence, including three (3) copies of his prefiled direct testimony and/or prefiled deposition, and three (3) copies of any prefiled surrebuttal testimony, so that any prefiled testimony or other evidence may be marked as exhibits and offered into the record of this proceeding.

IT IS THEREFORE ORDERED:

1. That following procedural schedule for this proceeding is hereby adopted:

Direct Testimony - Applicants	May 12, 1995 by 3:00 p.m.
Rebuttal Testimony - Staff, Public Counsel, White River and Empire	June 12, 1995 by 3:00 p.m.
Surrebuttal Testimony - Applicants	June 26, 1995 by 3:00 p.m.
Cross-Surrebuttal Testimony - All Parties	June 26, 1995 by 3:00 p.m.
Hearing Memorandum	July 13, 1995
Evidentiary Hearing	July 17, 1995 at 10:00 a.m.

The evidentiary hearing will be held in the hearing room of the Missouri Public Service Commission, Harry S Truman State Office Building, 5th Floor, 301 West High Street, Jefferson City, Missouri 65102.

2. That Applicant shall file six (6) copies of all prefiled testimony. However, if Applicant wishes to have his deposition considered in lieu of or in addition to his prefiled direct testimony, he shall file a letter with the Missouri Public Service Commission stating that he wishes to have his deposition filed either in lieu of or in addition to his direct

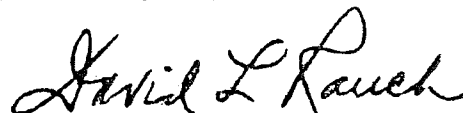
testimony. All other parties shall file their testimony as directed by Commission rule.

3. That all parties shall bring with them to the evidentiary hearing three (3) copies of any evidence they wish to have marked as exhibits and entered into the record of the proceeding, including three (3) copies of any prefiled testimony or deposition.

4. That if any person wishing to attend the evidentiary hearing of this matter has special needs as addressed by the Americans With Disabilities Act, please contact the Missouri Public Service Commission as soon as possible at one of the following telephone numbers: Consumer Services Hotline -- 1-800-392-4211 or TDD Hotline -- 1-800-829-7541.

5. That this order shall become effective on the date hereof.

BY THE COMMISSION

A handwritten signature in cursive script that reads "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

Elaine E. Bensavage, Hearing Examiner,
by delegation of authority under Commission
Directive of January 3, 1995, pursuant to
§ 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 17th day of April, 1995.

ATTACHMENT A

NOTE: THE FOLLOWING LIST OF QUESTIONS IS FOR ILLUSTRATIVE PURPOSES ONLY, AND IS NOT EXHAUSTIVE OR EXCLUSIVE. APPLICANT MAY USE ALL OR NONE OF THE FOLLOWING QUESTIONS, OR MAY ADD TO THE LIST. APPLICANT SHOULD BE AS SPECIFIC AS POSSIBLE IN HIS ANSWERS.

1. Q: Please state your full name.

A:

2. Q: Please state your address.

A:

3. Q: You have filed an application with the Missouri Public Service Commission to authorize a change of your electric service provider from White River Valley Electric Cooperative to The Empire District Company. Is that correct?

A:

4. Q: Could you give some detail about the facts you allege in your application?

A:

5. Q: Please discuss what problems, if any, you have had with respect to your electric supply.

A:

6. Q: What are the needs of your household/business with respect to your electric supply?

A:

7. Q: Please discuss what damage, if any, you have suffered as a result of your electric supply.

A:

8. Q: Are there any other reasons why you are requesting a change of electric supplier, other than what you have already mentioned?

A:

9. Q: If so, please discuss these other reasons.

A:

10. Q: Could you go over what contacts you have had with White River Valley Electric Cooperative with regard to these problems?

A:

11. Q: What has White River's response been?

A:

12. Q: What efforts have been made by White River to solve these problems?

A:

13. Q: What alternatives have you considered to solve the problems, including alternatives with White River?

A:

14. Q: Do you know whether The Empire District Electric Company will be required to duplicate the facilities of White River in order to serve you?

A:

15. Q: Is there any additional testimony you wish to give at this time?

A:

16. Q: Does this conclude your prefiled testimony?

A:

AFFIDAVIT OF _____ (name of witness)

STATE OF MISSOURI)
) ss
COUNTY OF _____)

_____ (name of witness), of lawful age, on (his or her) oath (or affirmation) states: that (he or she) has participated in the preparation of the foregoing Direct Testimony in question and answer form, consisting of _____ pages to be presented in the above case; that the answers in the foregoing Direct Testimony were given by (his or her) that (he or she) has knowledge of the matters set forth in such answers; and that such matters are true and correct to the best of (his or her) knowledge and belief.

_____ (signature of witness)

Subscribed and sworn (or affirmed) to me this ____ day of _____, 1995.

Notary Public

My Commission expires: _____