

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

|                                     |   |                       |
|-------------------------------------|---|-----------------------|
| In the Matter of the Application of | ) |                       |
| Thomas and Tammy McCain for         | ) | Case No. EO-2010-0067 |
| Change of Electric Supplier.        | ) |                       |

**Application to Intervene  
Opposition to Change of Electric Supplier**

Comes now Pemiscot-Dunklin Electric Cooperative, pursuant to 4 CSR 240-2.075, and in response to the Commission's August 31, 2009 Notice of Request for Change of Electric Suppliers. Pemiscot-Dunklin opposes the Request, and for its application to intervene in opposition thereto states as follows:

1. Pemiscot-Dunklin Electric Cooperative "Pemiscot" is a Missouri corporation organized and operating as a Rural Electric Cooperative pursuant to Chapter 394 RSMo. Pemiscot provides electrical service in the Missouri counties of Pemiscot, Dunklin, and New Madrid. Pemiscot's principal office and place of business is located at 2801 West Highway 84, Bragg City, Missouri, 63827.

2. Pemiscot is a Missouri corporation in good standing with the State of Missouri as set forth in Attachment A, Pemiscot's Certificate of Good Standing from the Secretary of State.

3. Copies of all filings, pleadings, orders, or other matters filed in or issued in this docket can and should be served on the following counsel for Pemiscot:

Craig S. Johnson  
MoBar # 28179  
Berry Wilson, LLC  
304 East High Street, Suite 100  
P.O. Box 1606  
Jefferson City, MO 65102  
(573) 638-7272  
(573) 638-2693 fax  
craigsjohnson@berrywilsonlaw.com

and

Johnny Dalton  
Dalton and Mowrer  
P.O. Box 529  
Kennett, MO 63857

4. Copies of all filings, pleadings, orders, or other matters filed in or issued in this docket can and should be served on Pemiscot by sending them to:

Charles J. Crawford  
Manager  
Pemiscot-Dunklin Electric Cooperative  
2801 West Highway 84  
Bragg City, Missouri, 63827

5. On or about August 28, 2009, Thomas and Tammy McCain applied to this Commission for an order authorizing them to change their retail electrical energy supplier from the City of Campbell, Missouri, to Ozark Border Electric Cooperative.

6. On or about August 31, 2009, this Commission issued a Notice of request directing that any responses to Mr. and Ms. McCain's application should be filed no later than September 30, 2009.

7. Pemiscot respectfully opposes the McCain's application on the following grounds:

- a. the City of Campbell in the past has operated a municipal utility distributing electrical energy to its citizens, but has determined to exit that business;
  - b. pursuant to the City's determination, the City of Campbell and Pemiscot have entered into, but not closed, a contract whereby Pemiscot would acquire the assets of the City and thereafter see that electrical energy is distributed to the residents of the City of Campbell.
  - c. subsequent to the execution of said contract, the voters of the City of Campbell by voter referendum, or ballot, have approved such agreement;
  - d. Pemiscot has a contractual interest in providing electrical energy to Applicants;
  - e. the City of Campbell and Pemiscot are cooperating to complete the matters necessary to close the agreement, which matters may include returning to the Commission for some type of notice or approval, the specifics of which have not been mutually agreed to as of the date of this filing.
5. As Pemiscot has an interest in providing electrical service to Applicants, Pemiscot's interests are different from that of the general public.
  6. The granting of the relief requested by Applicants would be adverse to Pemiscot's interests. Pemiscot respectfully states that it is entitled to intervene in this matter.
  7. Pemiscot has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within three years of the date of this Application.

8. Pemiscot has no annual report or assessment fees which are overdue this Commission.

WHEREFORE, on the basis of the foregoing, Pemiscot respectfully requests that its application to intervene be granted, and that it be allowed to participate as a party herein opposing the relief Applicant's have requested.

/s/ Craig S. Johnson  
Craig S. Johnson  
MoBar # 28179  
Berry Wilson, LLC  
304 East High Street  
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P.O. Box 1606  
Jefferson City, MO 65102  
(573) 638-7272  
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craigsjohnson@berrywilsonlaw.com

VERIFICATION

STATE OF MISSOURI       )  
                                          ) ss  
COUNTY OF PEMISCOT)

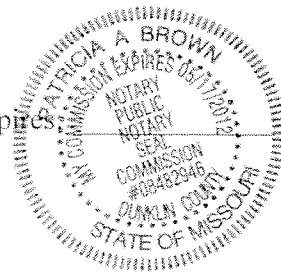
I, Charles Crawford, Manager of Pemiscot-Dunklin Electric Cooperative, hereby  
verify and affirm that I have read the foregoing Application to Intervene, and that the  
statements contained therein are true and correct to the best of my knowledge,  
information, and belief.



Subscribed and sworn to before me this 21<sup>st</sup> day of September, 2009.

  
Notary Public

My commission expires:



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 25<sup>th</sup> day of September, 2009:

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Mike Dandino  
Office of Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

A paper copy of this pleading has also been mailed to Applicants at the address listed on their application, first class US mail, postage prepaid.

/s/ Craig S. Johnson  
Craig S. Johnson

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

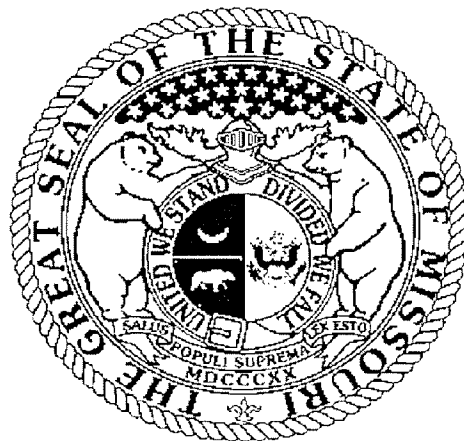
PEMISCOT-DUNKLIN ELECTRIC COOPERATIVE  
Q00060901B

was created under the laws of this State on the 11th day of September, 1937, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 21st day of September, 2009

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 12158632-1    Reference:  
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>

A