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December 23, 2003

FILED

DEC 23 2003

**Missouri Public
Service Commission**

Secretary
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: Application of Citizens Electric Corporation for Cancellation of its Tariff
Case No. ED-2004-0223
Motion for Extension of Time

Dear Secretary:

Enclosed please find an original and eight copies of Citizens Electric Corporation's Motion for Extension of Time.

Thank you for seeing this filed.

Sincerely,

Lisa Cole Chase

LCC:lw

Encl.

CC: Mike Dandino
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FILED

DEC 23 2003

**Missouri Public
Service Commission**

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

**In the Matter of the Application of)
Citizens Electric Corporation for)
Cancellation of its Tariff, P.S.C. Mo. Nos.)
2 and 7)**

Case No. ED-2004-0223

Motion for Extension of Time

COMES NOW Citizens Electric Corporation, Inc., by and through its attorneys of record, Andereck, Evans, Milne, Peace & Johnson, L.L.C., and in response to the Staff Response to Order Directing Filing and the Staff Recommendation in this matter, hereby request an Extension of Time to respond to such Response and Recommendation pursuant to 4 CSR 240-2.050(3)(A) and 4 CSR 240-2.080(15). In support of this Motion, Citizens Electric Corporation ("Citizens") states as follows:

1. On November 18, 2003 the Missouri Public Service Commission ("Commission") issued an Order directing its Staff to file no later than December 18, 2003 its recommendation with respect to Citizens' Application for Cancellation of Tariffs which was filed by Citizens on November 13, 2003.

2. On December 18, 2003, the Staff filed its Response to the Commission's Order as well as its Recommendation in this matter. Staff agreed that Citizens' tariffs, P.S.C. Mo. Nos. 2 and 7 should be cancelled, but also recommended that Citizens' Certificate of Public Convenience and Necessity also be cancelled.

3. Citizens' strenuously objects to Staff's recommendation that its' Certificate of Public Convenience and Necessity also be cancelled. Citizens filed its Application to have its Tariffs cancelled based on new legislation that took effect on August 28, 2003 which is codified at Section 393.110.2 RSMo. This new statutory provision is unique in

that it treats Citizens as a *hybrid* between an electric corporation and an electric cooperative. Based on Staff's recommendation, it appears Staff would simply treat Citizens as an electric cooperative.

4. Under the Commission rules, 4 CSR 240-2.080(15), Citizens has ten days to respond to Staff's Response and Recommendation unless otherwise ordered by the Commission. Staff's filing was made on December 18, 2003, and Citizens Response is due on Monday, December 29, 2003. The ten-day timeframe from which Staff made its filings includes two weekends, Christmas Eve and Christmas day. This does not provide Citizens, or its counsel, ample time to respond to Staff's Response and Recommendation. Given the fact that the issues involved are novel under the new statutory provision, and the impact of Staff's recommendation is potentially devastating to Citizen's ability to legally provide electric service to its customers, Citizens would greatly appreciate the opportunity to provide a comprehensive response to Staff's recommendation, and hereby requests an extension to Monday, January 19, 2004 in order to provide such a response.

5. Citizens has contacted Staff and the Office of Public Counsel regarding this request, and neither party objects to the requested extension of time to January 19, 2004.

Wherefore, Citizens herein requests an extension of time to respond to Staff's Response and Recommendation up to and including Monday, January 19, 2004.

Respectfully Submitted,

ANDERECK, EVANS, MILNE,
PEACE & JOHNSON, L.L.C.

By Lisa Chase

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ATTORNEYS FOR CITIZENS
ELECTRIC CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was hand-delivered, and/or mailed, postage prepaid, to General Counsel of the Missouri Public Service Commission and of the Office of Public Counsel this 23rd day of December, 2003.

Lisa Chase

Lisa Cole Chase