

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Thomas)	
A. Marshall for Change of Electric Service)	<u>Case No. EO-2007-0309</u>
Provider from SEMO Electric Cooperative to)	
Sikeston Board of Municipal Utilities)	

ORDER DIRECTING NOTICE AND ORDER DIRECTING FILING

Issue Date: February 27, 2007

Effective Date: February 27, 2007

On February 15, 2007, Thomas A. Marshall of Sikeston, Missouri filed a verified application with the Missouri Public Service Commission for a change in electric service provider. In the application, which is dated February 6, 2007, Mr. Marshall says he has received electric service for his home from the SEMO Electric Cooperative for over 55 years. He requests a change in electric provider to the Sikeston Board of Municipal Utilities, explaining that over the years, the City of Sikeston has steadily grown north toward his home, which was located outside the city limits for many years but is now located within them due to recent annexation activities. Among other things, Mr. Marshall states that since he is now a Sikeston taxpayer, he would like to be able to take advantage of the electric services provided by the city. He further states that he would like to have only one electric service provider instead of two, since the Sikeston Board of Municipal Utilities already provides electric service to a grain storage facility he owns, which is located adjacent to his home.

Mr. Marshall's application is accompanied by a January 30, 2007 letter from Alan W. McSpadden, the Operations Manager for the Sikeston Board of Municipal Utilities, which states that the Board is now serving new electrical loads within the annexed area and indicates that the system has more than adequate capacity to provide service to that area, including the property owned by Mr. Marshall.

Mr. Marshall's application substantially complies with Commission Rule 4 CSR 240-2.060(1), which governs the contents of applications to the Commission requesting relief under statutory or other authority, as well as Commission Rule 4 CSR 240-3.140, which sets forth the more specific filing requirements for applications requesting a change of electric suppliers. The critical statutory determination for the Commission is whether the requested change would be "in the public interest for a reason other than a rate differential."¹

The Commission determines that the SEMO Electric Cooperative and the Sikeston Board of Municipal Utilities are necessary parties to this proceeding and shall be joined as such. Accordingly, the Commission's Data Center shall give notice of this application to the SEMO Electric Cooperative and the Sikeston Board of Municipal Utilities by sending them a copy of this order, to which a copy of the application and supporting materials are attached.

The Commission shall further direct the SEMO Electric Cooperative and the Sikeston Board of Municipal Utilities to respond to Mr. Marshall's request. Finally, the Commission shall also order its Staff to investigate the merits of Mr. Marshall's application

¹ See, e.g., Section 393.106.2, RSMo 2000 (change from an electrical corporation or joint municipal utility commission to another supplier); 394.315.2, RSMo 2000 (change from a rural electric cooperative to another supplier); 394.080.5, RSMo 2000 (change from a rural electric cooperative to another supplier). "Under the[se] statutes, the customer or utility requesting a change of suppliers has the burden of proof to show that there is a reason for changing suppliers other than a differential in rates that would result in a benefit to the public." *Cuivre River Electric Cooperative, Inc. v. Union Electric Company*, 29 Mo. P.S.C. (N.S.) 16, 25 (1986). Customer preference, by itself, is not "sufficient reason to find that it is in the public interest to change suppliers." *Id.*

and to file a report concerning the results of its investigation. In particular, Staff's report shall address whether Sections 386.800 and 394.312, RSMo 2000, have any application to this case.

IT IS ORDERED THAT:

1. The Missouri Public Service Commission's Data Center shall serve notice as set out herein.

2. The SEMO Electric Cooperative and the Sikeston Board of Municipal Utilities are joined as parties to this case.

3. The SEMO Electric Cooperative and the Sikeston Board of Municipal Utilities shall, by no later than March 27, 2007, file responses to Thomas A. Marshall's application for a change of electric supplier.

4. The Staff of the Missouri Public Service Commission shall promptly commence an investigation into Thomas A. Marshall's application for a change of electric supplier, and shall also file a report concerning the results of its investigation, along with its recommendation as to whether the application should be approved or rejected, no later than April 10, 2007. In particular, Staff's report shall address whether Sections 386.800 and 394.312, RSMo 2000, have any application to this case.

5. This order shall become effective on February 27, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of February, 2007.