

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
Laclede Electric Cooperative and the)
City of St. Robert, Missouri for Approval of a)
Written Territorial Agreement Designating the)
Boundaries of each Electric Service Supplier within)
the Woodland Hills Redevelopment Area of the)
City of St. Robert, Pulaski County, Missouri)

File No. EO-2010-0125

Notice of Application and Contested Case, and Order Directing Filing

Issue Date: October 26, 2009

Effective Date: October 26, 2009

The Missouri Public Service Commission is giving notice of an application for approval of a territorial agreement, and setting a deadline for filings, as follows.

On October 26, 2009, the City of St. Robert, Missouri, and Laclede Electrical Cooperative filed a joint application for approval of a territorial agreement. The statutes provide:

. . . notice of such filing shall be given to other electrical suppliers pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. [¹]

No such regulation contains any provision for notice. Also, the application alleges that there are no other electrical suppliers in the area subject to the agreement. Therefore, the Commission will order notice delivered to elected officials and published in newspapers.

¹ Section 394.312.4, RSMo Supp. 2008.

The law requires the Commission to rule on the application no later than 120 days from the application's filing date,² and provides the right to a hearing.³ The right to a pre-decision hearing on a territorial agreement signifies a contested case.⁴ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁵ and a decision without a hearing,⁶ including by stipulation and agreement.⁷ This notice does not require any party to file an answer.⁸ The Commission's rules of discovery are set forth at 4 CSR 240-2.090.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send a copy of this order to the county commissioners of Pulaski County, Missouri; and the mayor and city council members of St. Robert, Missouri.

2. The Commission's Public Information Office shall send notice to the members of the General Assembly representing Pulaski County, Missouri and to the newspapers and other media serving Pulaski County, Missouri.

3. Any motion to intervene shall be filed no later than November 25, 2009.

4. The Commission's staff shall file a recommendation on the application no later than December 16, 2009.

² *Id.*

³ Section 394.312.5, RSMo Supp. 2008.

⁴ Section 536.010(4), RSMo Supp. 2008.

⁵ Sections 536.060(3) and 536.063(3), RSMo 2000.

⁶ Sections 536.060, RSMo 2000.

⁷ Section 394.312.5, RSMo Supp. 2008; 4 CSR 240-2.115.

⁸ Section 536.067(2)(d), RSMo 2000.

5. This order is effective upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 26th day of October 2009.

Jordan, Regulatory Law Judge