

Othic Law Office

Scot T. Othic

301 East Santa Fe Street
Marceline, Missouri 64658
scot.othic@sbcglobal.net
PHONE: (660) 376-2841
FAX: (660) 376-2981

September 9, 2009

FILED²

SEP 11 2009

Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
Attn: Steven Reed, Secretary

Missouri Public
Service Commission

Re: *In the Matter of the Application of Harold and Debbie Meyer for Change of Electric Supplier*

File No.: EO-2010-0051

Dear Mr. Reed:

I have just received your Notice of Deficiency and Order Extending Time for Filings in regard to the above-referenced matter. It's my understanding that the deficiency was that the response filed by the City of Marceline was signed by the City Manager who is not an attorney at law and that your Rule requires the same to be signed by an attorney.

Please understand that I actually prepared the response based on information provided to me by the City and that I am, in fact, the appointed City Attorney for the City of Marceline. As I prepared the initial response I am now resubmitting the same under my signature.

Any future correspondence concerning this matter should be addressed to my office which is located at 301 East Santa Fe, Marceline, Missouri 64658.

Should you have any questions please do not hesitate to give me a call.

Sincerely,



Scot T. Othic

STO/kew

cc: Liz Cupp, City Manager

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

In the Matter of the Application of Harold and)
Debbie Meyer for Change of Electric Supplier) File No. EO-2010-0051

**CITY OF MARCELINE'S RESPONSE TO MEYERS'
REQUEST FOR CHANGE OF ELECTRIC SUPPLIER**

In response to the Request for Change of Electric Supplier, it is noted that the Meyers' purport their reason for the request to be "Poor service, outages every time the wind blows wrong, every storm! The problem was trees in the line...".

The City denies the allegations made by the Meyers'. It's further noted that other than the broad allegation made by the Meyers', they have failed to submit to the Commission any documentation to support their claim. A review of City files indicates that the City has not received any specific complaint from the Meyers. However, in the course of doing business the City does keep "Trouble Call Reports" indicating the time and reason for the outage when outages of the electric service occur. These reports are attached for your review and information. Ms. Cupp, Marceline City Manager, requested that the Utility Superintendent provide me with these documents to determine outages from as early as 2006 that might have interrupted the Meyers service. Please note that since 2006, there were four (4) interruptions that occurred: June 11, 2006, September 30, 2007, June 25, 2007 and June 26, 2008. All these interruptions were due to severe storms, high winds and lightning, which are acts of god that every utility provider encounters, including Macon Electric Cooperative. Each instance, except for the occurrence on September 30, 2007, involved only a temporary interruption. On September 30, 2007, it's noted that service to customers was disrupted for 30 minutes to 5 hours. Service was restored to most customers within 30 minutes; however, it was necessary to replace the primary fusing on Hauser Street due to lightning which took a somewhat longer period of time.

Not noted in the reports is a problem which occurred on June 23, 2009. The City experienced a very significant storm with lightning, heavy rain, extremely high winds and what can best be described as a micro-burst. The 66 circuit was reset and electricity re-established; however, the City continued to experience difficulties on June 26th and June 27th. The City was able to determine that the source of the problem appeared to be on the 69,000 volt line which the City acquired from Ameren UE. The City employees physically walked the line in an effort to determine the problem. It was noted that in some areas tree branches had grown into the line. Also, the City was provided assistance from Ameren UE to fly the line in a helicopter to determine if there were problems which the City could not see from the ground. After the fly-

over, Ameren UE advised it could find no problem except the tree branches the City noted from the ground level. The City IMMEDIATELY contracted with a private tree trimming crew to remove the branches. While the crew was in the process of performing the trimming operation they advised the City of what they described as hearing a loud explosion. Having this information and upon closer inspection it was found that a static wire had blown loose during the storm and would occasionally hit the main line causing the breaker for the 66 circuit to trip. Due to the nature of the problem it was necessary to disconnect from Ameren for a short period of time to replace the static wire. Since that incident no further problems have occurred or been reported.

The Meyers' note that they are outside of the City limits which is true. However, the City began providing permanent electrical service to the structure located at 920 South Fairview Dr., Marceline, Missouri prior to 1973. Please note that Section 386.800 provides that the City may not provide electric service to any structure outside the Municipality's corporate boundaries after July 11, 1991, unless:

(1) The structure was lawfully receiving permanent service from the municipally owned electric service prior to July 11, 1991.

As noted above, the City has provided this service to the same residential structure since prior to 1973 and the City has the legal right to continue to do so. This was related to Mrs. Meyer by Elizabeth Cupp, Marceline City Manager, during a telephone conversation as mentioned in the Request. Mrs. Meyer then wrote the City Council members a letter requesting that she be allowed to transfer to Macon Electric Cooperative. Upon review of her letter the Council decided it would not be in the City's best interest to allow the transfer. Ms. Cupp wrote a letter the following day, July 22, 2009, advising the Meyers' of the Council's decision. A copy of the letter is attached for your review.


It should be noted that in the past the City met with Wayne Hackman and other representatives of Macon Electric Cooperative in an effort to discuss a territorial agreement to be presented to the Public Service Commission for review and approval. To be quite blunt, Mr. Hackman made it very clear that any such agreement would be solely under his terms or there would be no agreement. Subsequently, Ms. Cupp attempted to arrange a meeting with the Macon Electric Board, but was prevented from doing so, in her opinion, by Mr. Hackman.

My review of the statutes that are relevant to the Meyers' request point to Section 393.106 (2) which provides that once the City began providing retail services to the structure at 902 South Fairview, the City retains the right to continue to do so if the service commenced prior to July 11, 1991, and further, that other providers "shall not have the right to provide service to the structure..." It's further noted that upon application by an affected party, the public service commission may order a change of suppliers "on the basis that it is in the public interest for a reason other than a rate differential".

It should be abundantly clear that no public interest will be served by allowing one (1) customer to change suppliers when the City is providing quality service to a number of

customers outside the corporate boundaries and has been doing so for quite some time. Let's cut to the chase. Based on the information provided as well as the attached documents, the Meyers' accusations are baseless. The real reason for their request is that Macon Electric's rates are somewhat lower than our retail rates and they want to take advantage of the reduced rate. This is clearly not within the Commission's purview and serves no public interest.

Thank you for the opportunity to respond to the Meyers' complaint.



Scot T. Othic
301 East Santa Fe St.
Marceline, Missouri 64658
Telephone: 660-376-2841
Fax Number: 660-376-2981
Missouri Bar No.: 39280

City of Marceline

Boyhood Home of Walt Disney



July 22, 2009

Mr. & Mrs. Harold Meyer
902 S Fairview
Marceline MO 64658

Dear Mr. & Mrs. Meyer:

The Council voted last night at their meeting not to release you from the City's electric service.

The structure was lawfully receiving permanent service from our municipally owned electric utility prior to July 11, 1991.

If you have any questions, please stop by the office.

Sincerely,

Elizabeth Cupp
City Manager

cc: File

Date 6/11/06

TROUBLE CALL REPORT

This report to be made and turned in at garage, power plant or distribution office as soon as work is completed and forwarded to District Superintendent.

LOCATION OF TROUBLE MARCELINE PD

TOWN OR LINE 66

CUSTOMERS NAME VARIOUS

NATURE OF TROUBLE AND GIVE REASON FOR OUTAGE IF POSSIBLE POWER OUTAGE, STORM

LENGTH OF CUSTOMER OUTAGE IF KNOWN 30 MIN

TIME EMPLOYEE REPORTED TO WORK OR STARTED ON TROUBLE 3:00 AM

TIME WORK COMPLETED 3:30 AM

REMARKS BREAKER TRIPPED AT PLANT, RESET BREAKER, BREAKER (HOLD)

WORK TO BE DONE TO PUT SYSTEM EQUIPMENT BACK TO NORMAL CONDITION NONE

SIGNED [Signature] DATE 6/11/06

This part of report to be completed by crew going back to do permanent work.

REPORT ON PERMANENT REPAIR WORK DONE _____

WORK COMPLETED BY _____ DATE _____

COMPLETED WORK NOTED BY DIST. SUPT. _____

Date: 9/30/07

TROUBLE CALL REPORT

This report to be made and turned in at garage, power plant or distribution office as soon as work is completed and forwarded to District Superintendent.

LOCATION OF TROUBLE 13.8 66 CIRCUIT

TOWN OR LINE MARCELINE

CUSTOMERS NAME VARIOUS

NATURE OF TROUBLE AND GIVE REASON FOR OUTAGE IF POSSIBLE BREAKER TRIPPED AT PLANT, PRIMARY FUSE BLOWN ON 400 BLK WEST HAUSER, HIGH WINDS, RAIN & LIGHTNING.

LENGTH OF CUSTOMER OUTAGE IF KNOWN 30 MIN TO 5 HRS

TIME EMPLOYEE REPORTED TO WORK OR STARTED ON TROUBLE 9:30 AM
TIME WORK COMPLETED 11:30 AM

REMARKS RESET BREAKER AT PLANT, REPLACED PRIMARY FUSING ON HAUSER ST.

WORK TO BE DONE TO PUT SYSTEM EQUIPMENT BACK TO NORMAL CONDITION NONE

SIGNED [Signature] DATE 9/30/07

This part of report to be completed by crew going back to do permanent work.

REPORT ON PERMANENT REPAIR WORK DONE _____

WORK COMPLETED BY _____ DATE _____

COMPLETED WORK NOTED BY DIST. SUPT. _____

Date 6/25/08

TROUBLE CALL REPORT

This report to be made and turned in at garage, power plant or distribution office as soon as work is completed and forwarded to District Superintendent.

LOCATION OF TROUBLE 138 66 CIRCUIT

TOWN OR LINE MARCELINE

CUSTOMERS NAME VARIOUS

NATURE OF TROUBLE AND GIVE REASON FOR OUTAGE IF POSSIBLE BREAKER TRIPPED AT PLANT, STORM

LENGTH OF CUSTOMER OUTAGE IF KNOWN 30 MIN

TIME EMPLOYEE REPORTED TO WORK OR STARTED ON TROUBLE 2:40 AM
TIME WORK COMPLETED 2:50 AM

REMARKS RESET BREAKER IN PLANT.

WORK TO BE DONE TO PUT SYSTEM EQUIPMENT BACK TO NORMAL CONDITION NONE

SIGNED [Signature]

DATE 6/25/08

This part of report to be completed by crew going back to do permanent work.

REPORT ON PERMANENT REPAIR WORK DONE _____

WORK COMPLETED BY _____ DATE _____

COMPLETED WORK NOTED BY DIST. SUPT. _____

Date 6/26/08

TROUBLE CALL REPORT

This report to be made and turned in at garage, power plant or distribution office as soon as work is completed and forwarded to District Superintendent.

LOCATION OF TROUBLE 66 CIRCUIT

TOWN OR LINE MARCELINE

CUSTOMERS NAME VARIOUS

NATURE OF TROUBLE AND GIVE REASON FOR OUTAGE IF POSSIBLE BREAKER TRIPPED IN PLANT, CAUSED MOST LIKELY BY LIGHTNING.

LENGTH OF CUSTOMER OUTAGE IF KNOWN 2

TIME EMPLOYEE REPORTED TO WORK OR STARTED ON TROUBLE 3:00AM

TIME WORK COMPLETED 4:00AM

REMARKS 66 CIRCUIT BREAKER TRIPPED AT PLANT, CHECKED SUB & FUSES THEN RESET BREAKER. SYSTEM OK.

WORK TO BE DONE TO PUT SYSTEM EQUIPMENT BACK TO NORMAL CONDITION NONE

SIGNED [Signature] DATE 6/26/08

This part of report to be completed by crew going back to do permanent work.

REPORT ON PERMANENT REPAIR WORK DONE _____

WORK COMPLETED BY _____ DATE _____

COMPLETED WORK NOTED BY DIST. SUPT. _____

Date 8/4/09

TROUBLE CALL REPORT

This report to be made and turned in at garage, power plant or distribution office as soon as work is completed and forwarded to District Superintendent.

LOCATION OF TROUBLE 66 CIRCUIT

TOWN OR LINE _____

CUSTOMERS NAME SEVERAL

NATURE OF TROUBLE AND GIVE REASON FOR OUTAGE IF POSSIBLE BREAKER IN PLANT
TRIPPED, MOST LIKELY DUE TO LIGHTNING

LENGTH OF CUSTOMER OUTAGE IF KNOWN HR

TIME EMPLOYEE REPORTED TO WORK OR STARTED ON TROUBLE 4:45 AM

TIME WORK COMPLETED 5:00 AM

REMARKS RESET BREAKER IN PLANT

BAD WEATHER

WORK TO BE DONE TO PUT SYSTEM EQUIPMENT BACK TO NORMAL CONDITION NONE

SIGNED _____

DATE 8/4/09

This part of report to be completed by crew going back to do permanent work.

REPORT ON PERMANENT REPAIR WORK DONE _____

WORK COMPLETED BY _____

DATE _____

COMPLETED WORK NOTED BY DIST. SUPT. _____

Liz Cupp

From: Albrecht, Jon M [JAlbrecht@ameren.com]
Sent: Thursday, August 20, 2009 10:14 AM
To: liz@marceline.org
Subject: Marcceline outage history

Liz,
The history of your 69kV feeder is below. This report does not show the outage that the City experienced on 6/24. The line was requested open for the tree trimmers. Looking back at the history I think it is safe to say the outages from 5/13/09 until 6/27/09 are due to the tree contact and the broken ground wire. If you need anymore information please let me know.

Thanks,
Jon Albrecht
Superintendent
JC DCO
573-681-7565

REVIEW OF PRIOR ORDERS
FROM 01/01/08 TO 08/20/09
FEEDER 865043
EXTENDED OUTAGES
MOMENTARY OUTAGES INCLUDED
SUBTRANSMISSION ONLY

DATE	TIME	DIST	SUB	FEEDER	KV	TP	CAUSE	HR/MIN	CUST	ORDER NO
06/25/08	11:13	L.D.	MOB	865-043	34	ST	TREES	1 34	2 081775527	Marceline out for 1 hr 34 minutes. Cause was a tree on Ameren UE side
07/22/08	07:47	L.D.	MOB	865-043	34	MM	UNKNOWN	0 00	0 082046923	This is a momentary outage (lights went off then came back on usually caused by lightning.)
05/13/09	18:32	L.D.	MOB	865-043	34	ST	OH PROB	1 48	1 091339309	Marceline out for 1 hr 48 minutes. Completed a foot patrol from Marceline tap to the Rothville switch station and did not find a problem.
05/15/09	18:11	L.D.	MOB	865-043	34	MM	UNKNOWN	0 00	2 091357936	Momentary outage. Patrolled the Ameren UE line and did not find a problem.
06/23/09	20:35	L.D.	MOB	865-043	34	ST	OTHER	2 58	2 091749174	Marceline out for 2 hr 58 minutes. This was the night of the storm and we had very difficult conditons to drive and work in. Conducted a patrol using

growth on the tap to Marceline. Notified the
tree problems.

helicopter. Found heavy tree

City of Marecline about the

06/26/09 12:52 L.D. MOB 865-043 34 MM UNKNOWN 0 00 2 091775945
Discussed problem w/ Marceline Superintendent

from sagging bottom phase into trees.

the Marceline line and trimmed a tree before

Momentary outage.

started generation to keep

Ameren UE also patrolled

metering.

06/27/09 08:54 L.D. MOB 865-043 34 MM UNKNOWN 0 00 0 091780328

13:19 L.D. MOB 865-043 34 MM UNKNOWN 0 00 2 091780655

14:19 L.D. MOB 865-043 34 MM OH PROB 0 00 2 091780744

Marceline Tree

trimmers found the ground wire contacting phase.

***** The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Ameren. All emails are subject to monitoring and archival. Finally, the recipient should check this message and any attachments for the presence of viruses. Ameren accepts no liability for any damage caused by any virus transmitted by this email. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer. Ameren Corporation

September 5, 2009

Public Information Office
Governor Office Building
200 Madison Street
PO Box 360
Jefferson City, MO 65102-0360

Subject: Missouri Gas Energy Price Increase.

As you are aware, the Missouri Public Service Commission is going to hold a meeting for MGE to Increase their Rate. As I said in my response, that MGE Does Not Need a rate increase. In fact their Total Price Should Decrease.

Below is an article stating that the Price of natural Gas is Decreasing.

No floor in sight for natural gas; prices plunge

By CHRIS KAHN, AP

NEW YORK — Natural gas prices tumbled again Thursday, hitting new seven-year lows after the government reported more supplies were put into storage as the entire country pares down on energy usage.

That will mean huge savings for a lot of people this winter when the heating bill arrives.

On Monday, Spokane, Wash.-based utility Avista Corp. said it wants to reduce natural gas prices for its Oregon customers to the lowest levels in five years. And in the Midwest, Alliant Energy Corp. and Wisconsin Public Service Corp. **both predicted heating bills would drop around 20 percent.**

"Any savings we get, they get," Alliant spokesman Scott Drzycimski said.

Natural gas for October delivery gave up 19 cents to \$2.525 per 1,000 cubic feet on the New York Mercantile Exchange. Prices dropped as low as \$2.50 per 1,000 cubic feet — the lowest since March 2002 — after the government reported that U.S. natural gas supplies grew again last week and are now nearly 18 percent above the five-year average.

Natural gas, a key energy source for power plants, has plummeted to less than a third the price it fetched last summer, and its contract on the Nymex gave up nearly 23 percent in the past six trading days.

Carl Antrim
16702 Duffey Court
Independence, Missouri 64055

