

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Union Electric Company d/b/a)	
Ameren Missouri and)	File No. EO-2012-0093
Cuivre River Electric Cooperative for)	
Approval of an Addendum to an)	
Approved Territorial Agreement)	

NOTICE OF CONTESTED CASE AND ORDER DIRECTING FILING

Issue Date: September 29, 2011

Effective Date: September 29, 2011

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 September 27, 2011, the applicants filed a joint application for approval of an addendum to a territorial agreement. The applicants cite earlier Commission orders that provide for service of the application, the consent of a customer whose service is at issue, and a time for Staff to file a recommendation. Nevertheless, the statutes provide the right to a hearing on a territorial agreement,¹ which requires the Commission to issue notice² as follows.

The right to a hearing on the territorial agreement signifies a contested case.³ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁴ and a decision without a hearing,⁵ including by stipulation

¹ Section 394.312.5, RSMo Supp. 2010.

² Section 536.067(1), RSMo 2000.

³ Section 536.010(4), RSMo Supp. 2010.

⁴ Sections 536.060(3) and 536.063(3), RSMo 2000.

⁵ Sections 536.060, RSMo 2000.

and agreement.⁶ The Commission's rules of discovery are set forth at 4 CSR 240-2.090.

The statutes provide:

The agency shall promptly mail a notice of institution of the case to all necessary parties, if any, and to all persons designated by the moving party and to any other persons to whom the agency may determine that notice should be given. [⁷]

The statutes also provide that:

. . . 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. [⁸]

No such regulation contains any provision for notice. Therefore, Commission will order notice mailed as set forth in the ordered paragraphs.

The Commission will order Staff to file a recommendation but no other response to this notice and order is required from any person.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall mail a copy of this notice and order to:
 - a. Larry and Peggy Taylor, Carter Road, Moscow Mills, MO 63362.
 - b. The county commissioners of Lincoln County, Missouri.
 - c. The mayor and city council members of Moscow Mills, Missouri.
2. The Commission's Public Information Office shall make this notice available to the:

⁶ Section 394.312.5, RSMo Supp. 2010; 4 CSR 240-2.115.

⁷ Section 536.067(1), RSMo 2000.

⁸ Section 394.312.4, RSMo Supp. 2010.

- a. Members of the General Assembly representing Lincoln County, Missouri; and
- b. Newspapers and other media serving Lincoln County, Missouri.
3. Any motion to intervene shall be filed no later than October 13, 2011.
4. The Commission's staff shall file a recommendation on the application no later than November 1, 2011.
5. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of September, 2011.