

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of The Empire)
District Electric Company for Authority to Sell)
and Transfer Part of its Works or System to the)
City of Monett, Missouri) **Case No. EO-2009-0159**

ORDER DIRECTING NOTICE AND ORDER DIRECTING FILING

Issue Date: October 29, 2008

Effective Date: October 29, 2008

On October 28, 2008,¹ The Empire District Electric Company (“Empire”) filed an application² with the Commission seeking to sell and transfer a portion of its works and systems to the City of Monett (“City”). The two areas affected by the proposed sale and transfer are the Valley View Estates subdivision and the Heim Trailer Court. These areas were annexed by the City in 2003 and 2005, respectively.

Empire currently provides electrical service to 42 residential customers, 5 private outdoor lighting accounts, and 1 commercial structure in the Valley View Estates area, and to 46 residential customers and one vacant commercial structure located within the Heim Trailer Court area. If the proposed sale and transfer is approved, these customers would receive their electric service from the City.

A copy of the proposed “Agreement for the Sale of Electric Utility Facilities” (“Agreement”) has been included with the Application. Although the City is a party to the

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.

² The application was filed pursuant to Section 393.190, RSMo 2000, and Commission Rules 4 CSR 240-2.060 and 4 CSR 240-3.110. All statutory references are to RSMo 2000, and its amendments and revisions, unless otherwise noted.

Agreement, they did not join in the application. Because the City is a party to the Agreement the Commission will add the City as a party to the case.

In August 2007, the City published notice in *The Monett Times* of its intent to provide electric utility service to customers located in the Annexed Areas.³ No public hearings or meetings have been scheduled or held to further inform Empire's current customers in the Annexed Areas about the proposed transactions; however, the City has stated it will schedule such meetings or hearings if the Commission believes they are necessary or would be useful.

The Commission has determined that proper parties should be given notice and opportunity to intervene in this matter. The Data Center of the Commission shall send a copy of this order to the county commissioners of Barry County. In addition, the Information Office of the Commission shall make notice of this order available to the media serving Empire's and the City's service areas and to members of the General Assembly who represent Barry County.

Proper persons wishing to intervene shall have 20 days from the date of this order to file an application to intervene with the Secretary of the Commission and shall send a copy of the application to intervene to all parties as directed below. Consequently, any application to intervene must be filed no later than November 18, 2008.⁴ Any requests for evidentiary hearing or for a local public hearing shall also be filed by that date. The Commission Staff shall also file its recommendation or preliminary response as directed below.

³ Copies of the notices are attached to the Application as Appendix 5.

⁴ Commission Rules 4-CSR-240-2.050 and 4-CSR 240-2.075.

THE COMMISSION ORDERS THAT:

1. The Data Center shall send a copy of this order to the County Commission of Barry County in Missouri.

2. The Information Officer of the Missouri Public Service Commission shall send notice to the members of the General Assembly representing the service area of The Empire District Electric Company and to the media that serves The Empire District Electric Company's and the City of Monett's service areas.

3. The City of Monett is made a party to this case.

4. Any interested person wishing to intervene in this case shall file an application to intervene on or before November 18, 2008, with:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and serve a copy on:

Paul A. Boudreau
Brydon, Swearengen & England, P.C.
312 E. Capitol Ave.
P.O. Box 456
Jefferson City, Missouri 65102
Attorney for Applicant

and,

Bill Eichman
The Empire District Electric Company
602 Joplin Street
Joplin, Missouri 64801

and,

Amy Boxx
405 East Broadway
Monett, MO 65708

and,

Pete Rauch,
Supt. of Utilities
The City of Monett
217 Fifth Street
P.O. Box 110
Monett, Missouri 65708

and,

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102.

5. Any requests for an evidentiary hearing or for a local public hearing shall be filed with the Commission no later than November 18, 2008.

6. No later than December 2, 2008, the Staff of the Missouri Public Service Commission shall file a recommendation regarding approval of the application or a preliminary response to the application.

7. This order shall become effective immediately upon issuance.

BY THE COMMISSION

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

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of October, 2008.