

# 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**

### **SECOND NOTICE AND ORDER DIRECTING FILING**

Issue Date: November 6, 2008

Effective Date: November 6, 2008

On October 28,<sup>1</sup> The Empire District Electric Company ("Empire") filed an application<sup>2</sup> 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.

On October 29, the Commission issued notice, set deadlines for intervention and hearing requests, and set a deadline for Staff to file a preliminary response or a recommendation. In that order, the Commission issued notice to the county commissioners of Barry County. It has come to the attention of the Commission that property at issue is located in Lawrence County. Consequently, the Commission is issuing this second notice.

The Data Center of the Commission shall send a copy of this order to the county commissioners of Lawrence County. The current response deadlines shall remain as

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<sup>1</sup> All dates throughout this order refer to the year 2008 unless otherwise noted.

<sup>2</sup> 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.

previously established; however, the Commission will consider late filings that were delayed as a result of any delayed notice to potential intervenors.

Additionally, while the Commission set a deadline for hearing requests, the Commission did not intend to preclude any requests for hearings that may ensue after Staff files its recommendation. The Commission is merely trying to ascertain if there are any hearing requests at this early stage of the proceedings.

**THE COMMISSION ORDERS THAT:**

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

2. 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, Swearingen & 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.

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

4. 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.

5. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



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 6th day of November, 2008.