

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Jerry West     )  
And Sharon West to Change the Electrical         )  
Supplier for Part of their Property.             )     **File No. EO-2009-0272**

## ORDER EXCUSING PARTY FROM APPEARING AT HEARING

Issue Date: September 22, 2009

Effective Date: September 22, 2009

The Missouri Public Service Commission is granting the Request to be Excused from Participation in Scheduled Hearing (“the motion”) of Cuivre River Electric Cooperative, Inc. (“Cuivre River”).

Cuivre River filed the motion on September 18, 2009. Our regulations ordinarily allow ten days for a response:

Parties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission. [<sup>1</sup>]

That regulation sets forth no facts supporting such an order. Nevertheless, the Commission notes that ten days from the motion’s filing date is the day before hearing, which is short notice of our ruling. Therefore, the Commission foregoes the ten-day response time.

Cuivre River asks to be excused from participation at the evidentiary hearing on the application described in the caption of this order. Cuivre River cites the parties’ partial stipulation of facts and absence of disputed facts from the pleadings. That position is consistent with Cuivre River’s February 11, 2009, response to application, which takes no position for or against the application.

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<sup>1</sup> 4 CSR 240-2.080(15).

Consequences for a party's failure to appear at hearing include dismissal of such party or its application,<sup>2</sup> but Cuivre River did not file the application and has not sought to intervene as a party. Cuivre River has taken no position on the application's merits. Cuivre River appears willing to assume the risk that the evidence at hearing may disfavor some interest.

Therefore, the Commission will grant the motion.

**THE COMMISSION ORDERS THAT:**

1. Cuivre River Electric Cooperative, Inc.'s, Request to be Excused from Participation in Scheduled Hearing is granted.
2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )



Steven C. Reed  
Secretary

Jordan, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 22<sup>nd</sup> day of September, 2009.

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<sup>2</sup> 4 CSR 240-2.110(2)(B) and 4 CSR 240-2.116(3).