

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of the Citizens)
of Iron County, Northwest End of Reynolds)
County, Edgehill and Black Area, for Change)
of Electrical Supplier)

Case No. EO-2007-0155

ORDER SETTING PREHEARING CONFERENCE AND DIRECTING FILING OF A PROPOSED PROCEDURAL SCHEDULE

Issue Date: November 28, 2006

Effective Date: November 28, 2006

On October 13, 2006, a group of electric service consumers, identifying itself as the "Citizens of Iron County, Northwest End of Reynolds County, Edgehill and Black Area" ("Citizens"), filed a request with the Missouri Public Service Commission for a change in electric supplier. Citizens are currently receiving electric service from Union Electric Company d/b/a AmerenUE ("AmerenUE"), and their request is to revert back to having service provided by Black River Electric Cooperative ("Black River"). Citizens maintain that Black River previously provided its electric service for a period of greater than 50 years. Citizens' request includes a signed petition bearing approximately 104 names, and five written complaints regarding the provision of service by AmerenUE.

On October 17, the Commission issued notice, set an intervention schedule and directed AmerenUE, Black River, and the Staff of the Missouri Public Service Commission to respond to Citizens' request. No requests for intervention were filed and all directed responses have now been filed.

This matter is now at issue and a prehearing conference and procedural schedule are appropriate to ensure its prompt resolution. **The Commission informs the parties that this prehearing conference is not an evidentiary hearing.** Sworn testimony will not be taken and no final decision will result from this prehearing conference. However, all parties are required to participate. Pursuant to Commission Rule 4 CSR 240-2.090, “Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party’s complaint, application or other action unless good cause for the failure to appear is shown.” As set out below, any party who wishes to attend by telephone will be permitted to do so.

Citizens’ request includes a petition with multiple signatories. Citizens, being an association, is directed to Commission Rule 4 CSR 240-2.040(5), specifically addressing practice before the Commission, which states:

A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.

Citizens is advised that no individual signatory to its list of members may prosecute this request before the Commission on behalf of the association as a whole. Individuals, who are not attorneys authorized to practice in the state of Missouri, may not engage in the legal representation of any other person, corporation, association or any other entity. Individual, natural persons may only represent themselves.

Should it be Citizens’ desire to see its request prosecuted as a single action with representation for all of these individuals, then the association must retain an attorney authorized to practice law in Missouri to serve as the association’s representative. Should any individual member choose to prosecute his or her own separate request, that individual is required to file his or her own separate request before the Commission. Should any

individual association member pursue their own separate action with the Commission, and should a full evidentiary hearing be held in that matter, then that individual may at his or her discretion call any of the other individuals listed as association members as witnesses to provide sworn testimony on his or her behalf.

It is further noted that in the “Wherefore” clause of AmerenUE’s Answer, it requests that the Commission issue an order dismissing Citizens’ request because “it seeks relief which is not allowed under the current circumstances and because the Request is without merit.” In the “Wherefore” clause of Black River’s Answer, it requests “that the existing territorial agreement between Black River Electric Cooperative and AmerenUE remain in full force and effect and that Intervenor Black River be granted such other and further relief as this Commission deems just and proper under the circumstances.” Staff, in its Report, “recommends the Commission dismiss the petition.” Should any of these parties wish to pursue a form of summary disposition, they are directed to file an appropriate motion for summary determination or a motion for determination on the pleadings pursuant to Commission Rule 4 CSR 240-2.117.

The prehearing shall be set for a date that is reasonable to allow Citizens to obtain proper legal representation. Should Citizens require additional time to secure proper legal representation, then it shall file a motion for a continuance to have the prehearing conference reset. Should the association decline to obtain proper legal representation, then its request may face dismissal.

IT IS ORDERED THAT:

1. The parties shall appear at a prehearing conference to be held on January 2, 2007, beginning at 10:00 a.m. The prehearing conference will be held in Room 305 at the Commission’s offices in the Governor Office Building, 200 Madison Street, Jefferson City,

Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.

2. Any party wishing to appear by telephone shall notify the Regulatory Law Judge by calling 573-522-8459 no later than December 20, 2006.

3. The parties shall jointly prepare and file a proposed procedural schedule no later than January 9, 2007.

4. This order shall become effective on November 28, 2006.

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

Dated at Jefferson City, Missouri,
on this 28th day of November, 2006.