

**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 SUSPENDING REQUIREMENT TO SUBMIT PROCEDURAL**  
**SCHEDULE**

Issue Date: January 2, 2007

Effective Date: January 2, 2007

On October 13, 2006,<sup>1</sup> 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. Citizens’ application was not filed by, or signed by, an attorney authorized to practice law in Missouri.

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<sup>1</sup> All dates throughout this order refer to the year 2006, unless otherwise noted.

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 AmerenUE, Black River and Staff all recommend that this matter be dismissed on the merits.

On November 28, the Commission set a prehearing conference in this matter for January 2, 2007. In the order setting the prehearing conference, the Commission made note that Citizens' request included a petition with multiple signatories. Citizens, having filed an application for a change of electrical supplier, and being an association of multiple individuals, was 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 was advised that no individual signatory to its list of members could prosecute its 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.

Citizens was directed that if it desired to see its application prosecuted as a single action with representation for all of the individual signatories, the association would have to retain an attorney authorized to practice law in Missouri to serve as the association's representative. Citizens was also advised that as an alternative to prosecuting its action as an association, individual members could choose to individually petition the Commission for a change of electric supplier, or could file an individual complaint against AmerenUE.

Citizens was also advised that should any individual association member pursue a separate action with the Commission, and should a full evidentiary hearing be held, that individual could, at his or her discretion, call any of the other individuals listed on its petition as witnesses to provide sworn testimony on his or her behalf.

Citizens was allowed a full month prior to the prehearing conference to provide adequate time for its members to decide on which procedural approach it would utilize to conform to proper practice before the Commission. Citizens was advised that should it require additional time to secure proper legal representation, it should file a motion for a continuance to have the prehearing conference reset. Citizens was finally advised that should the association decline to obtain proper legal representation, its application might face dismissal.

On December 27, Tom Goughenour, a signatory to Citizens' petition, called the regulatory law judge in this matter and indicated that procedurally Citizens would not be able to retain legal counsel to pursue its application. Mr. Goughenour stated that because the association was unable to obtain legal counsel, and given the available alternatives, it preferred to dismiss the current action and stated that multiple members of the association would proceed with individual complaints.

On January 2, 2007, the prehearing conference was held at the Governor Office Building in Jefferson City. A phone bridge was made available to all of the parties. AmerenUE and Black River elected to participate by phone. Staff entered its appearance in person. No representative for Citizens or the Office of the Public Counsel entered an appearance.

At the prehearing conference, Staff suggested that the Commission treat the application for a change in supplier as a consolidated complaint action, filed by all of the petitioners. This would, in theory, alleviate the requirement for counsel to represent the association because the individual petitioners would be treated as individual complainants. No other party that was present objected to the suggestion.

The Commission's November 28 order setting the prehearing conference also required the filing of a procedural schedule by January 9, 2007. So that the Commission may have adequate time to determine the procedural posture of this action, it will indefinitely suspend the requirement for the filing of a procedural schedule.

**IT IS ORDERED THAT:**

1. The requirement for filing a procedural schedule for this case is indefinitely suspended.
2. This order shall become effective on January 2, 2007.

**BY THE COMMISSION**



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 2nd day of January, 2007.