

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Callaway)	
Electric Cooperative and the City of Fulton,)	
Missouri, for Approval of a Written Territorial)	<u>Case No. EO-2007-0253</u>
Agreement Designating the Boundaries of)	
Each Electric Service Supplier within Portions)	
of Callaway County, Missouri)	

ORDER DIRECTING NOTICE, ESTABLISHING TIME FOR FILING
RECOMMENDATIONS, SETTING DATE FOR SUBMISSION
OF INTERVENTION REQUESTS AND SETTING DATE FOR FILING A
PROCEDURAL SCHEDULE

Issue Date: January 3, 2007

Effective Date: January 3, 2007

On January 2, 2007, Callaway Electric Cooperative ("Callaway") and the City of Fulton, Missouri ("Fulton") (collectively "Applicants") filed a joint application requesting that the Commission determine that their proposed territorial agreement, designating the service territory of each of the Applicants, is not detrimental to the public interest. Applicants state that they have mutually agreed to displace competition between themselves as allowed by law and have set out the terms of their agreement in a document entitled Territorial Agreement, which is attached to the application and referred to as Appendix A. The Territorial Agreement contains legal descriptions and a plat map marked as Exhibit A, which, according to the Applicants, represent their respective boundaries in relation to five tracts of land within Callaway County.

The Applicants state that no other municipal electric supply systems or investor-owned electric utilities operate within the area covered by the agreement. Applicants

further assert that the agreement does not require the transfer of any facilities or customers so no list of persons whose utility service would be changed is included with its application, as required by 4 CSR 240-3.130(1)(E). Applicants also note that they are not subject to the jurisdiction of the Commission for purposes of certificate authority or for rate regulation.

Section 394.312, RSMo 2000, requires that such agreements be submitted to the Missouri Public Service Commission for approval. The statute provides that the Commission may approve the submitted agreement if it determines that the agreement is not detrimental to the public interest. The statute further provides that the Commission must rule on the application within one hundred twenty (120) days from the date filed unless otherwise ordered by the Commission for good cause shown.

Upon review of the application, the Commission finds that notice of this application should be sent to interested persons and an intervention date set. The Commission will direct Staff to file a recommendation regarding the Joint Application, and the Applicants, Staff, and the Office of the Public Counsel shall jointly or separately file a proposed procedural schedule.

The Commission determines that notice of this application should be given by the Commission's Data Center sending a copy of this order to the County Commission of Callaway County, Missouri. The Commission further determines that the Information Officer of the Commission should provide notice to the members of the General Assembly representing the Applicants' service areas and to the newspapers which serve Applicants' service areas.

The Commission finds that proper persons wishing to intervene shall have twenty (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.

The Commission will also require the parties to file a proposed procedural schedule which provides for a hearing if one is requested. The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party is granted intervention, and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary.

IT IS ORDERED THAT:

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as set out herein.
2. The Missouri Public Service Commission's information officer is ordered to serve notice as set out herein.
3. Any interested person wishing to intervene in this case shall file an application to intervene on or before January 23, 2007, with:

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

and serve a copy on:

Andrew J. Sporleder
Andereck, Evans, Milne, Peace & Widger, L.L.C.
700 E. Capitol Avenue
Jefferson City, Missouri 65102

and

Robert W. Craghead, Mayor
City of Fulton
4th and Market Streets
Fulton, Missouri 65251

and

Thomas W. Howard, Manager
Callaway Electric Cooperative
503 Truman Road
Fulton, Missouri 65251

and

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

4. No later than February 5, 2007, the Staff of the Missouri Public Service Commission shall file its recommendation or a preliminary response to the application.

5. The Applicants, Staff, Public Counsel, and any intervening party shall file a proposed procedural schedule on or before February 12, 2007, and such procedural schedule shall provide for a hearing, should one be requested, to take place on or before March 5, 2007.

6. This order shall become effective on January 3, 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 3rd day of January, 2007.