

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of The Empire District )  
Electric Company and Ozark Electric Cooperative for )  
Approval of a Written Territorial Agreement Designating ) **Case No. EO-2008-0043**  
the Boundaries of an Exclusive Service Area for Ozark )  
within a Tract of Land in Greene County, Missouri and )  
Associated Requests for Approval of a Transfer of )  
Facilities and Change of Supplier. )

### **ORDER DIRECTING RESPONSE**

Issue Date: September 19, 2007

Effective Date: September 19, 2007

On August 15, 2007, The Empire District Electric Company and Ozark Electric Cooperative (the Applicants) filed a joint application asking the Commission to approve a territorial agreement between the utility and the cooperative (Joint Application). The Joint Application also asks the Commission to approve a transfer of facilities and change of suppliers from Empire to Ozark necessary to effectuate the territorial agreement.

On August 17, 2007, the Commission issued an Order Directing Notice and Setting Date for Submission of Intervention Requests. That order, among other things, required the parties to jointly or separately file a proposed procedural schedule on or before September 17, 2007.

The Commission's Staff timely filed a proposed procedural schedule on the 17<sup>th</sup>. Staff indicated it had been unable to confirm the Applicants' position regarding the proposed schedule, but that the proposed schedule was acceptable to the Office of the Public Counsel.

On September 19, 2007, the Cooperative, with the consent of The Empire District, filed an alternate proposed procedural schedule. In support of its alternate proposed schedule, the Cooperative indicates a more compressed schedule is appropriate due to the parties' familiarity with the facts and issues underlying the Joint Application. The Cooperative did not indicate that the procedural schedule proposed by Staff would cause any undue hardship to the Applicants or provide any justification for its failure to timely file its proposed procedural schedule.

Since there is no indication in the Cooperative's filing that Staff or Public Counsel have reviewed the alternate procedural schedule and several deadlines contained therein are rapidly approaching, the Commission shall direct Staff and Public Counsel to file any objections to that alternate proposal no later than September 24, 2007.

**IT IS ORDERED THAT:**

1. Any objections to the alternate proposed procedural schedule filed by Ozark Electric Cooperative on September 19, 2007, shall be filed no later than September 24, 2007.
2. This order shall become effective on September 19, 2007.

( S E A L )

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

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

Dated at Jefferson City, Missouri,  
on this 19th day of September, 2007.