

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of James and)
Cathy Loomis for Change of Electric Supplier) **File No. EO-2023-0044**
from City of Butler to Osage Valley Electric)
Cooperative)

ORDER DIRECTING NOTICE, ADDING PARTIES, AND DIRECTING RESPONSES TO APPLICATION

Issue Date: August 9, 2022

Effective Date: August 9, 2022

On August 8, 2022, James and Cathy Loomis filed an application with the Missouri Public Service Commission requesting a change of electric supplier from the City of Butler, Missouri (City of Butler) to the Osage Valley Electric Cooperative Association (Osage Valley).

The Commission will direct its Data Center to send notice of the application to the City of Butler and Osage Valley. Because they are necessary parties, the City of Butler and Osage Valley will be joined as parties to this proceeding and will be directed to file responses to the application. The Commission will also direct the Staff of the Commission (Staff) to file a recommendation.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send a copy of this order, with a copy of the application, to the City of Butler and Osage Valley.
2. The City of Butler and Osage Valley are made parties to this proceeding and shall each file a response to the application no later than October 8, 2022.
3. Staff shall file its recommendation regarding the application no later than October 24, 2022.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri,
on this 9th day of August, 2022.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of
Evergreen Estates & surrounding property owners

Case No. _____

FILED

AUG 8 2022

**Missouri Public
Service Commission**

APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

1. Applicant's addresses are:

- 1309 NE Kelly Drive Butler, MO 64730 (Brian and Anna Shrock)
- 1399 NE Kelly Drive Butler, MO 64730 (Mike and Beth Taranto)
- 2 Circle Drive Butler, MO 64730 (Brent and Melody Mullins)
- 71 NE Cedar Drive Butler, MO 64730 (Shane and Nicole McCoun)
38.239655, -94.348862 (Shane and Nicole McCoun)
38.240111, -94.348797 (Shane and Nicole McCoun)
- 131 Kelly Drive Butler, MO 64730 (Stacy and Janet Castrogiovanni)
- 1359 NE Kelly Drive Butler, MO 64730 (Wayne and Jenny Vermillion)
- 1461 NE Kelly Drive Butler, MO 64630 (Shannon Barth)
- 70 NE Cedar Drive Butler, MO 64730 (James and Cathy Loomis)
- 1492 NE County Rd 63 Butler, MO 64730 (Roger Farrell)
- 1075 NE County Rd 63 Butler, MO 64730 (David Christ)
- 895 NE Co Rd 63 Butler, MO 64730 (William and Carrie Hobbs)
- 1329 NE Kelly Drive Butler, MO 64730 (Todd and Antionette Allen)
- 3 Circle Drive Butler, MO 64730 (Matt and Karen Cochran)
- 38.239052, -94.348721 Butler, MO 64730 (Chance and Shanya Hedrick)
38.24225, -94.34951 (Kathy Castrogiovanni)

2. The name of Applicant's current electric service provider is: City of Butler
3. Applicant requests the Missouri Public Service Commission to order a change of the electric supplier to the address indicated above.
4. Applicant requested the Commission to order a change of electric supplier
from City of Butler
(Current)

to Osage Valley Electric Cooperative
(Requested)

5. Applicant requests the Missouri Public Service Commission to order a change of electric provider for the following reasons.*


The aforementioned properties are not found within the City of Butler city limits, but are currently provided power by the City of Butler. Currently, established ordinances directly impede expansion of electrical services to multiple private properties in our housing area, preventing advancement of home constructions and devaluation of property in Evergreen Estates. It is our understanding that some of the currently provided power services to our properties are not provided legally. These properties were constructed after 1991. It is our understanding it is Osage Valleys' territory and therefore right to provide power to our geographical area. It is our understanding there is no current territorial agreement. It is our understanding the city has not found ownership paperwork for the electric lines in our community.

6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider: The service issue was discovered approximately 6-7 months ago when property owners were refused new electrical services to newly purchased property. Property owners attempted to remedy the situation once the issue was discovered. This issue has been presented during several City Council open and closed sessions, but minimal information has been provided to property owners upon inquiry to the City of Butler. Conflicting reports have been made regarding progress towards a territorial agreement. This is directly delaying building structures requiring electricity on these properties.

WHEREFORE, Applicant requests the Missouri Public Service Commission to issue an Order which changes the current electric service provider.

Direct Contacts for this application will be:

James Loomis, 70 NE Cedar Dr.
(Date) (Signature of Applicant)

 7/14/2022

*If reason for change is poor service, outages, low voltage, etc., applicant should submit a record of service problems covering at least 90 days, including dates and times of problems to the extent possible. Applicant should also attempt to determine reasons for any service problems. For instance, if electric service was out or you are experiencing blinking lights, you should contact the supplier of electric service to determine the problem, and include this information with the application. (If the reasons from the supplier was a storm, car hitting pole, trees in line, conductor fell down, or whatever the supplier states for the problem, this should be noted.)

STATE OF MISSOURI)
) ss.
COUNTY OF Bates)

VERIFICATION

JAMES LOOMIS, on oath, states that he/she has read the foregoing application and is familiar with its contents and the matters set forth therein are true to the best of his/her knowledge, information and belief.

[Signature]
(Signature of Applicant)

SWORN TO BEFORE ME, the undersigned Notary Public on this the 14th day of July, 2022.

[Signature]
Notary Public



My Commission Expires: 11/13/2023

INFORMATION ON PUBLIC SERVICE COMMISSION PROCEDURE FOR PRO SE CHANGE OF SUPPLIER APPLICANTS

Pro se applicants are applicants who choose to represent themselves before the Public Service Commission rather than being represented by an attorney. This attachment is intended to give pro se applicants information on Commission procedures for applicants for a change of electric supplier. However, it is still the responsibility of pro se applicants to educate themselves about Commission procedures. "Parties who represent themselves must satisfy all relevant rules of procedure; they are entitled to no indulgence they would not have received if represented by counsel." Sutton v. Kestler, 930 S.W.2d 516, 517 (Mo. App. 1996). Enclosed please find a copy of the Commission's rules on Practice and Procedures. You will be expected to follow these rules.

Generally, there will be five parties in a change of supplier case: (1) the applicant; (2) the applicant's current electric supplier; (3) the electric supplier to whom the applicant wishes to change; (4) the Staff of the Commission; and (5) a representative of the Office of the Public Counsel. The Staff of the Commission is a separate party and will make an independent recommendation to the Commissioners. However, the Commissioners will make the ultimate decision. The Office of the Public Counsel represents the general public before the Commission. Neither the Staff of the Commission nor the Office of the Public Counsel represents the applicant, and neither will act as applicant's attorney nor give substantive advice to the applicant. The Office of the Public Counsel and Staff will try to answer any questions an applicant may have

about Commission procedure. The applicant should also be aware that if any pleading or correspondence is to be filed with the Commission, a copy of that document must be sent to all the other parties.

Other parties may request information from the applicant through the Commission discovery procedure, which is similar to what is allowed in court cases. The purpose of discovery is to find out generally what evidence a party intends to present at a hearing, or what a party's witnesses may be expected to testify at a hearing. All parties, including the pro se applicant, may engage in discovery, in accordance with the Commission's rules.

If there are contested matters, the Commission will hold a hearing.

At the hearing, the pro se applicant can expect the following procedure: Each party will be allowed to make a brief opening statement. Then the applicant will present evidence. If applicants expect to take the stand to testify on their own behalf, they will have to testify in narrative form, since there will be no attorney to ask them questions. If the applicant intends to put a witness on the stand, applicant will have to ask nonleading, direct examination questions to elicit the witness's testimony.

All witnesses will be asked to give an oath or affirmation, and any witness may be questioned by the Commissioners or the Administrative Law Judge. All witnesses are subject to cross-examination by the other parties. All witnesses should have personal knowledge of the subject of their testimony. Applicants should bring to the hearing at least thirteen copies of any exhibit or document they intend to offer into evidence.

After the applicant has presented evidence, the other parties will be allowed to present their evidence. Then the parties will give their closing statements. Sometimes the Commission wishes to have briefs instead of closing statement. This is unlikely in the

typical change of supplier case, but if briefs are requested the procedure will be explained at the time of the hearing.

In applications for change of electric suppliers, the Commission considers a number of factors in making its decision, including, but not limited to the following:

1. Whether the customer's needs can be adequately met by the present supplier with respect to either the amount or quality of the power;
2. Whether there are health or safety issues involving the amount or quality of power;
3. What alternatives the customer has considered, including alternatives with the present supplier;
4. Whether the customer's equipment has been damaged or destroyed as a result of a problem with the electric supply;
5. The effect the loss of the customer would have on the present supplier;
6. Whether a change in supplier would result in a duplication of service or facilities, especially in comparison with alternatives available from the present supplier, a comparison which could include: (a) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements; and (b) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;

7. The overall burden on the customer caused by the inadequate service, including any economic burden not related to the cost of the electricity itself, and any burden not considered with respect to factor 6(b) above;
 8. What efforts have been made by the present supplier to solve or mitigate the problem;
 9. The impact the Commission's decision may have on economic development, on an individual or cumulative basis; and
 10. The effect the granting of authority for a change of suppliers might have on any territorial agreements between the two suppliers in question, or on the negotiation of territorial agreements between the suppliers.
- The applicant should try to address these factors when presenting testimony at the hearing.


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9th day of August, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 9, 2022

File/Case No. EO-2023-0044

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

City of Butler, Missouri

Legal Department
101 N. Lyons
PO Box 420
Butler, MO 64730

James and Cathy Loomis

Cathy Loomis
70 NE Cedar Drive
Butler, MO 64730

James and Cathy Loomis

James Loomis
70 NE Cedar Drive
Butler, MO 64730

**Osage Valley Electric
Cooperative**

Legal Department
1321 North Orange
P.O. Box 151
Butler, MO 64730-0151

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.