

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of	)	
Thomas and Tammy McCain for Change	)	File No. EO-2010-0067
of Electric Supplier.	)	

RESPONDENT CITY OF CAMPBELL'S MOTION TO STAY PROCEEDINGS

COMES NOW Respondent City of Campbell, Missouri ("City of Campbell" or "City"), by and through its undersigned counsel, Thompson Coburn LLP, and hereby files its Motion to Stay Proceedings. In support of its Motion, City of Campbell states as follows:

1. On or about August 28, 2009, Applicants Thomas and Tammy McCain ("Applicants") filed their Application for Change of Electric Supplier ("Application"). Applicants applied to this Commission for an order authorizing them to change their retail electrical energy supplier from their current electrical service provider, the City of Campbell, to Ozark Border Electrical Cooperative ("Ozark Border").

2. Applicants' Application requests a change of electrical energy supplier for the following reasons, among others: (a) Applicants live outside the city limits of the City of Campbell; (b) Applicants contend the electrical service rates paid to the City of Campbell are too high; and (c) Applicants' electrical rates paid to the City of Campbell have fluctuated over past months.

3. On or about August 31, 2009, this Commission issued a Notice of Request directing that any responses to Applicants' Application should be filed no later than September 30, 2009.

4. On or about September 29, 2009, this Commission entered its Order granting City of Campbell an additional thirty days, up to and including October 30, 2009, in which to file its Response and Opposition to Applicants' Application.

5. City of Campbell timely filed its Response to Applicants' Application.

6. City of Campbell hereby requests a stay of proceedings concerning Applicants' Application because recent developments concerning City of Campbell and Ozark Border may render Applicants' Application moot.

7. On November 9, 2009, City of Campbell's City Counsel voted to approve a bid by Ozark Border to purchase City of Campbell's electrical service system.

8. City of Campbell anticipates that it and Ozark Border will sign a Contract for Purchase and Sale of Distribution Facilities ("Contract") by the end of November 2009.

9. City of Campbell further anticipates that it will conduct an election in February 2010 in which its residents will vote whether to approve the Contract.

10. If these events occur as anticipated and the voters approve the Contract, City of Campbell's electrical system will be transferred to Ozark Border in 2010. At such time, Applicants would receive electrical service from Ozark Border because of the transfer of City of Campbell's system to Ozark Border. This transfer of service would render Applicants' Application moot. Pending these developments, proceedings in this case are premature and would not be an efficient use of the Commission's resources.

11. For these reasons, City of Campbell respectfully requests a stay of these proceedings until after the February 2010 municipal election, at which time the parties can report to the Commission about the outcome of the election and seek an appropriate Order at the time,

including, if the Contract is approved, a dismissal after the transfer of service to Ozark Border is complete.

WHEREFORE, for all of the reasons stated herein, Respondent City of Campbell respectfully requests that the Commission enter its Order staying the proceedings herein as described above and granting such other and further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed, first class mail postage prepaid, this 18th day of November, 2009 to:

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