

# **BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI**

In the Matter of the Joint Application of The Empire District     )  
Electric Company and White River Valley Electric Cooperative     )  
for Approval of a Second Addendum to the Parties' Second     ) File No. EO-2009-0428  
Territorial Agreement Designating Service for a Lot Located in     )  
Taney County, Missouri     )

## **ORDER DIRECTING NOTICE, ESTABLISHING DEADLINE FOR FILING RECOMMENDATIONS, SETTING DATE FOR INTERVENTION REQUESTS AND SETTING DATE FOR FILING A PROCEDURAL SCHEDULE**

Issue Date: June 1, 2009

Effective Date: June 1, 2009

On May 29, 2009, The Empire District Electric Company ("Empire") and the White River Valley Electric Cooperative ("White River") (collectively "Applicants") filed a joint application requesting that the Commission approve an addendum to their territorial agreement. The addendum would allow White River to provide electric service to a single lot that is currently situated in Empire's service territory.<sup>1</sup>

The Applicants state that: "[b]ecause Lot 313 would require Empire to build over difficult terrain, which would pose hazards in construction and future maintenance, because Empire was unable to obtain right of way from neighboring lots to extend their distribution lines, and finally, because White River has existing electrical facilities positioned adjacent to the lot, requiring only a service drop from an existing transformer to establish service, it is in the public interest to allow White River to serve Lot 313 as

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<sup>1</sup> The lot is Lot 313, Lake Tanycomo Acres, located at 313 Macbeth, Branson, Missouri 65616.

this is the safest and most efficient means of providing service to Lot 313, despite its location within Empire's service territory.”

Section 394.312 RSMo 2000, requires that an amendment to a territorial agreement 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.

The Commission shall direct notice of this application to interested persons and set an intervention date. The Commission will direct its 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's Data Center shall send a copy of this order to the County Commission of Taney County, Missouri and to the owner of Lot 313, the lot at issue. 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 media that serve Applicants' service areas.

Persons or entities wishing to intervene shall have fifteen 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.

**THE COMMISSION ORDERS THAT:**

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as described in the body of this order.

2. The Missouri Public Service Commission's information officer is ordered to serve notice as described in the body of this order.

3. No later than June 3, 2009, the Applicants shall file a pleading identifying the owner of Lot 313, Lake Tanycomo Acres, located at 313 Macbeth, Branson, Missouri 65616, and the owner's mailing address.

4. The Missouri Public Service Commission's Data Center is ordered to serve notice of this application, by overnight mail, upon the owner of Lot 313 no later than June 4, 2009.

5. Any interested person wishing to intervene in this case shall file an application to intervene no later than June 16, 2009, with:

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

and serve a copy on:

Dean L. Cooper  
Brydon, Swearengen & England, P.C.  
312 E. Capitol Avenue  
Jefferson City, Missouri 65102  
Attorney for The Empire District Electric Company

and,

Christiaan D. Horton  
Neale & Newman, L.L.P.  
1949 E. Sunshine, Suite 1-130  
Springfield, Missouri 65808-0327  
Attorney for White River Valley Electric Cooperative

and,

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

6. No later than June 29, 2009, the Staff of the Missouri Public Service Commission shall file its recommendation or a preliminary response to the application.

7. The Applicants, Staff, Public Counsel, and any intervening party shall file a proposed procedural schedule no later than July 6, 2009, and such procedural schedule shall provide for a hearing, should one be requested, to take place no later than July 29, 2009.

8. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

**Colleen M. Dale**  
**Secretary**

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 1st day of June, 2009.