

**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 NOTICE AND SETTING DATE FOR SUBMISSION**  
**OF INTERVENTION REQUESTS**

Issue Date: August 17, 2007

Effective Date: August 17, 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). 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 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. Section 393.106, RSMo 2000, gives the Commission authority to order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential. Section 393.190.1 RSMo 2000, requires a public utility to obtain Commission

authorization prior to the sale or transfer of any of its assets that are “necessary or useful in the performance of its duties to the public.”

The Commission finds that notice of this application should be given to the general public and potentially interested parties. A date for intervention of proper parties should also be set. The Commission’s Data Center shall mail a copy of this notice to the County Commission of Greene County. Because the Application did not indicate that the customers for whom the change of supplier is requested are amenable to the requested change, the Commission determines that those customers should be provided with notice of the Application and afforded an opportunity to intervene. Accordingly, the Commission’s Data Center shall also mail a copy of this notice to each customer listed under “Service as of July 14, 2007” in Appendix 2 to the Joint Application. In addition, the Commission’s public information officer shall make notice of this order available to the media serving Greene County and to the members of the General Assembly representing Greene County.

The Commission will also require the parties to file a proposed procedural schedule. 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 and make a decision based on the verified pleadings.

**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 proper person wishing to intervene in this matter shall file an application to do so no later than September 6, 2007. Such applications shall be filed with:

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

with a copy served on:

Gary W. Duffy  
Brydon, Swearengen & England, PC  
312 East Capitol Avenue  
Jefferson City, Missouri 65102-0456  
ATTORNEYS FOR THE EMPIRE DISTRICT ELECTRIC COMPANY

Rodric A. Widger  
Andereck, Evans, Milne, Widger & Johnson, L.L.C.  
1111 South Glenstone  
Suite 2-100  
Springfield, Missouri 65804  
ATTORNEYS FOR OZARK ELECTRIC COOPERATIVE

and:

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

4. No later than September 17, 2007, the parties shall jointly or separately file a proposed procedural schedule.

5. This order shall become effective on August 17, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 17th day of August, 2007.