

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the matter of the Application of)	
Union Electric Company d/b/a Ameren Missouri)	
And Cuivre River Electric Cooperative for)	File No. EO-2012-0134
Approval of an Addendum to an Approved)	
Territorial Agreement)	

NOTICE OF CONTESTED CASE AND ORDER DIRECTING FILING

Issue Date: November 2, 2011

Effective Date: November 2, 2011

The Missouri Public Service Commission is giving notice of an application for approval of a territorial agreement, and setting a deadline for filings, as follows.

On November 1, 2011, Union Electric Company, d/b/a Ameren Missouri, and Cuivre River Electric Cooperative filed a joint application for approval of an addendum to a territorial agreement. The applicants cite an earlier report and order¹ that provides for service of the application, the consent of a customer whose service is at issue, and time for objections. Nevertheless, the statutes provide the right to a hearing on a territorial agreement,² which requires the Commission to issue notice³ as follows.

The right to a hearing on the territorial agreement signifies a contested case.⁴ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁵ and a decision without a hearing,⁶ including by stipulation and agreement.⁷

¹ Case No. EO-2002-1091.

² Section 394.312.5, RSMo Supp. 2010.

³ Section 536.067(1), RSMo 2000.

⁴ Section 536.010(4), RSMo Supp. 2010.

⁵ Sections 536.060(3) and 536.063(3), RSMo 2000.

⁶ Sections 536.060, RSMo 2000.

⁷ Section 394.312.5, RSMo Supp. 2010; 4 CSR 240-2.115.

The Commission's rules of discovery are set forth at 4 CSR 240-2.090.

The statutes provide:

The agency shall promptly mail a notice of institution of the case to all necessary parties, if any, and to all persons designated by the moving party and to any other persons to whom the agency may determine that notice should be given.^[8]

The statutes also provide that:

. . . notice of such filing shall be given to other electrical suppliers pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity.^[9]

No such regulation contains any provision for notice. Therefore, Commission will order notice mailed as set forth in the ordered paragraphs.

The Commission will order Staff to file a recommendation.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall mail a copy of this notice and order to:
 - a. Mr. Rodney D. Tate, 26200 Shady Lane, Wright City, Missouri.
 - b. The governing body of Warren County, Missouri.
 - c. The governing body of Wright City, Missouri.
2. The Commission's Public Information Office shall make this notice available to the members of the General Assembly representing Warren County, Missouri and to the newspapers and other media serving Warren County, Missouri.
3. Any motion to intervene shall be filed no later than December 2, 2011.

⁸ Section 536.067(1), RSMo 2000.

⁹ Section 394.312.4, RSMo Supp. 2010.

4. The Commission's staff shall file a recommendation on the application no later than December 9, 2011.

5. This order is effective immediately upon issuance.

BY THE COMMISSION

(S E A L)

A handwritten signature in black ink, appearing to read 'S. Reed', written in a cursive style.

Steven C. Reed
Secretary

Dated at Jefferson City, Missouri,
on this 2nd day of November, 2011.

Jordan, Senior Regulatory Law Judge