

**BEFORE THE PUBLIC SERVICE COMMISSION  
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 the Boundaries of Exclusive )	Case No. EO-2007-0029
Service Areas for Each within Two Tracts of Land in )	
Greene County and Christian County, Missouri. )	

In the Matter of the Application of The Empire )	
District Electric Company for a Waiver of the )	
Provisions of Its Tariff and 4 CSR 240-14.020 with )	
Regard to The Lakes at Shuyler Ridge Subdivision in )	Case No. EE-2007-0030
Conjunction with a Proposed First Territorial )	
Agreement with Ozark Electric Cooperative. )	

**STAFF’S MOTION TO CONSOLIDATE**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and moves the Commission to consolidate the two above cases on the grounds following:

1. The Empire District Electric Company filed with the Commission its application for approval of a territorial agreement between it and Ozark Electric Cooperative in Case No. EO-2007-0029. Contemporaneously, it filed in Case No. EE-2007-0030 its application seeking, for one specific subdivision, waivers of subdivision extension and street lighting provisions of its tariff, and of the Commission’s promotional practices rule codified at 4 CSR 240-14.020. The specific subdivision for which Empire seeks the waivers is “The Lakes at Shuyler Ridge Subdivision” which is located near Republic, Missouri.

2. According to the application for waivers in Case No. EE-2007-0030, the territorial agreement and the requested waivers are interdependent. In other words, there is no

need for the waivers if the territorial agreement is not approved and the parties will not perform the territorial agreement without the waivers.

3. Because Empire territorial agreement and the waivers are interdependent, any recommendations, hearings or orders on the relief requested in Case Nos. EO-2007-0029 and EE-2007-0030 should be done together, *i.e.*, the cases should be consolidated for all purposes.

**WHEREFORE**, the Staff moves the Commission to consolidate Case Nos. EO-2007-0029 and EE-2007-0030 for all purposes, including decision.

Respectfully submitted,

/s/ Nathan Williams

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 3<sup>rd</sup> day of October 2006.

/s/ Nathan Williams

Nathan Williams