

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
November, 2014.

In the Matter of the Joint Application of City of Columbia,)
Missouri and Boone Electric Cooperative for an Order) File No. EO-2015-0012
Approving the Change in Electric Supplier for Certain)
Customers for Reasons in the Public Interest)

ORDER GRANTING APPLICATION

Issue Date: November 5, 2014

Effective Date: December 5, 2014

The Missouri Public Service Commission is granting the *Joint Application* ("application") to change the supplier of electricity from Boone Electrical Cooperative ("Co-Op") to the City of Columbia, Missouri ("City") for 29 structures ("structures").

A. Procedure

The Co-Op and the City ("applicants") jointly filed the application.¹ Applicants filed a certification that they had issued notice of the application in accordance with the Commission's order.² The Commission's staff ("Staff") filed its recommendation in favor of the application.³ No law requires a hearing to approve the application, so this action need not be a contested case.⁴ Therefore, the Commission will determine all issues as a non-contested case,⁵ and without separately stating its findings of fact. Based on the

¹ Electronic Filing and Information System No. 1, *Joint Application*, filed on July 14, 2014.

² EFIS No. 8, *Certificate of Compliance*, filed on August 19, 2014.

³ EFIS No. 9, *Staff Recommendation to Order Change in Supplier*, filed on October 24, 2014.

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

⁵ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

verified filings, the Commission independently makes the following findings and conclusions.

B. Jurisdiction

The Commission's jurisdiction includes changing a rural electrical cooperative's right to supply electricity as follows:

The [PSC], upon application made by an affected party, may order a change of suppliers . . . , and the [PSC] is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. [⁶]

A party "affected" by a matter is one "interested therein . . . with respect to any matter determined therein."⁷ Applicants have an interest because they are the current and prospective supplier.

C. Merits

The standard is that Commission may grant the application:

. . . on the basis that it is in the public interest for a reason other than a rate differential[.] The commission's jurisdiction under this section is limited to public interest determinations[.⁸]

The PSC's regulation echoes that requirement:

In addition to the requirements of 4 CSR 240-2.060(1), applications for the approval of a change in electrical suppliers shall include:

* * *

⁶ Section 394.315.2, RSMo 2000.

⁷ *State ex rel. Riverside Pipeline Co., L.P. v. Public Service Comm'n of State*, 215 S.W.3d 76, 81 (Mo. banc 2007).

⁸ Section 394.315.2, RSMo 2000.

(G) The reasons a change of electrical suppliers is in the public interest[.]⁹

The public interest includes factors related to “efficient facilities and substantial justice between patrons and public utilities[.]”¹⁰ Such factors are present in the application, as Staff’s recommendation and the parties’ affidavits show.

The Commission received two comments questioning the application. One asked to present testimony, but did not offer any objection to the application or any grounds for objection. The other objected to the possibility of power lines over the commenter’s property, but the Commission has no authority over the placement of lines by either the Co-Op¹¹ or the City.

Therefore the Commission will grant the application.

THE COMMISSION ORDERS THAT:

1. The *Joint Application* is granted and the supplier of electric service for the 29 structures described in the *Joint Application* is changed from Boone Electrical Cooperative to the City of Columbia, Missouri.
2. This order shall become effective on December 5, 2014.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

⁹ 4 CSR 240-3.140(1).

¹⁰ Section 386.610, RSMo 2000.

¹¹ Except for the limited purposes set forth at Section 394.160.1, RSMo 2000.

R. Kenney, Chm, Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Jordan, Senior Regulatory Law Judge