

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

IN THE MATTER OF THE APPLICATION       )  
OF GARY ROOF FOR CHANGE OF                )  
ELECTRIC SUPPLIER,                                )       Case No. E0-2010-0166

**ANSWER OF PLATTE-CLAY ELECTRIC COOPERATIVE, INC.**

COMES NOW Platte-Clay Electric Cooperative, Inc. (Co-op) and for its Answer to the Application for Change of Electrical Supplier of Gary Roof (Applicant) states as follows:

1. Co-op admits the allegation in paragraph 1, and further states that the referenced address is referred to as Applicant's residence in this Answer.
2. Co-op admits the allegations in paragraph 2.
3. Co-op admits that the Applicant is requesting a change of electric supplier. Co-op denies that Applicant is entitled to a change of electric supplier.
4. Co-op admits that Applicant is requesting a change of electric supplier from Co-op to AmerenUE. Co-op denies that Applicant is entitled to a change of electric supplier.
5. Co-op admits that Applicant's residence is located approximately 0.76 miles from 108th Street, that there are no other customers on the section of line between his residence and 108th Street, and that the line to his residence runs through a field. Co-op is without sufficient knowledge or information to admit or deny whether Applicant has reason to doubt the reliability of electric provision to his residence because of prior flickering problems and therefore denies the same. Co-op is without sufficient information or

knowledge to admit or deny whether the AmerenUE line runs directly in front of his residence and would ensure better or more reliable service and therefore denies the same. Applicant is without sufficient information or knowledge to admit or deny whether the residence also houses a kennel which must be climate controlled at all times and therefore denies the same. Co-op is without sufficient knowledge or information to admit or deny whether Applicant is concerned about outages and dangers to kenneled animals when Co-op has problems with their line because of an alleged lack of priority and therefore denies the same. Co-op is without sufficient knowledge or information to admit to deny whether the cost of using and maintaining AmerenUE lines would be financially advantageous for the customer and therefore denies the same. By way of further answer, Co-op states that Applicant has had reliable service and that from July, 2006 when Applicant established service at the residence through November, 2009, there have been two outages total during that time span, neither outage occurred on the line in question, the outages resulted in a total outage duration of 243 minutes, and the Applicant's service reliability has been 99.99% which exceeds the average reliability for the membership of the Co-op as a whole. By way of further answer, Co-op states that the rate differential between Co-op and other potential suppliers of electricity is an invalid and unlawful reason for requesting a rate change pursuant to § 394.315.2, RSMo 2000. To the extent not specifically admitted herein, the allegations of paragraph 5 are denied.

6. Co-op admits that the Applicant has made calls to Co-op regarding his service. Co-op denies that Applicant has not received satisfactory responses. Co-op denies that Applicant has only received standard form letters. By way of further answer, Co-op states that since July 24, 2006, at least seven service orders have been executed to respond to

various inquiries of Applicant. Copies of service orders are attached to this Answer as Exhibits A, B, C, D, E, F, and G and incorporated herein. By way of further answer, Co-op further states that it has provided at least two letters in response to Applicant's allegations and that each letter individually and specifically identified Applicant's concerns and the Co-op's response. Copies of letters dated November 9, 2007, and November 19, 2009, from Co-op to Applicant are attached hereto as Exhibits H and I and are incorporated herein. To the extent not specifically admitted herein, the allegations of paragraph 6 are denied.

### **Affirmative Defenses**

1. The application for change of electric supplier should be denied for failure to comply with 4 CSR 240-3.140. The application for change of electrical supplier is insufficient and fails to comply with 4 CSR 240-3.140 in that:

A. The application does not describe current, uncorrected service problems at Applicant's residence, but instead only expresses "doubts" and "concerns." Contrary to his expressed concern and doubt, Applicant has had reliable service for his residence since he established service in July, 2006, and the reliability of his service has exceeded the average reliability for the Co-op members as a whole;

B. Applicant has not described the dates of any current, uncorrected service problems;

C. The application fails to set forth the remedial measures that Co-op has taken in response to the Applicant's expressions of concern and the fact that the issues he has complained of have been resolved;

D. The application does not state why a change of electrical supplier is in the public interest. To the contrary, the application states that a change of electrical supplier would be in the Applicant's private interest because it would be "financially advantageous."

2. Co-op provides reliable electrical service to Applicant and has promptly and appropriately responded to his allegations of concern. It would be an unwarranted and undue financial hardship for Co-op and its members to allow Applicant to change his electrical supplier because the costs of maintaining the line that runs to his residence would be shifted to the Co-op and its members.

3. Applicant's residence is located in an unincorporated portion of Clay County, Missouri and is not subject to a territorial agreement approved under § 394.312, RSMo 2000. To the extent that Applicant relies on cost savings that he would realize from switching to AmerenUE as his electric supplier, a "rate differential" is not a lawful basis for allowing a change of electrical supplier pursuant to § 394.315.2, RSMo 2000, and to order such a change would violate that section.

4. The requested change of electric supplier for Applicant is not in the public interest.

WHEREFORE, Platte-Clay Electric Cooperative, Inc. respectfully requests that the Public Service Commission deny Applicant Gary Roof's application for change of electric supplier and grant such other relief as may be just and proper in the circumstances.

Respectfully submitted,

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ATTORNEYS FOR PLATTE-CLAY ELECTRIC  
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## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by email, U.S. Mail, postage prepaid, or hand-delivered this 4<sup>th</sup> day of January, 2010, to:

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\_\_\_\_\_/s/ Robert L. Hess II