

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Nancy Price for  
Change of Electric Supplier

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**File No. EO-2015-0017**

**STAFF RECOMMENDATION TO DENY APPLICATION**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its recommendation to deny application states:

1. The details of Staff's investigation of this Application are stated in Staff's Memorandum attached as Appendix A.

2. Staff concludes that unless the evidence delivered at hearing differs from what Staff reviewed, the Commission should deny the Application of Nancy L. Price finding the evidence insufficient to authorize a change in the provider of electric service to 3001 E. Illinois Street, Kirksville, Missouri, 63501 from Tri-County to Ameren, and not in the public interest for reasons other than a rate differential.

**WHEREFORE**, Staff recommends the Commission issue an order denying the Application of Nancy L. Price for Change of Electric Supplier at 3001 E. Illinois Street, Kirksville, Missouri, 63501, unless the evidence delivered at hearing differs from what Staff reviewed.

Respectfully submitted,

**/s/ Alexander Antal**

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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 22<sup>nd</sup> day of August, 2014.

**/s/ Alexander Antal**

## **MEMORANDUM**

TO: Missouri Public Service Commission Official Case File  
Case No. EO-2015-0017, In the Matter of the Application of  
Nancy L. Price for Change of Electric Supplier.

FROM: Alan J. Bax, Energy Unit – Engineering Analysis

/s/ Alan Bax /08/22/2014  
Energy Unit / Date

/s/ Alexander Antal /08/22/2014  
Staff Counsel's Office / Date

SUBJECT: Staff Recommendation to Deny Application

DATE: August 22, 2014

### **STAFF RECOMMENDATION TO DENY APPLICATION**

The Staff of the Missouri Public Service Commission (“Staff”) recommends that the Missouri Public Service Commission (“Commission”) deny the Application made by Ms. Nancy L. Price requesting a change in electric service providers from Tri-County Electric Cooperative (“Tri-County”) to Union Electric Company d/b/a/ Ameren Missouri (“Ameren”), unless Ms. Price provides additional information in support of her request that causes Staff to revise its recommendation.

### **OVERVIEW**

On July 16, 2014, Ms. Nancy L. Price filed an Application with the Commission seeking approval to change the provider of electric service to a single family dwelling located at 3001 E. Illinois Street, Kirksville, Missouri, 63501. Tri-County currently provides electric service to this property, which is located inside the city limits of Kirksville, Missouri in Adair County. Ms. Price notes in her Application that neighboring properties receive electric service from Ameren and requests approval of the Application to change electric service providers to Ameren because of price and due to

power outages that occur during storms with long restoration periods associated with these outages.

On July 17, 2014, the Commission issued an Order making Tri-County and Ameren parties to this case, and directing both Tri-County and Ameren to file an Answer to the Application by August 15, 2014. The Commission also ordered the Staff to file a recommendation regarding the Application by August 22, 2014.

Tri-County is organized under Chapter 394 RSMo 2000 to provide electric service to its members located in parts of six Missouri counties including Adair County in which lies the property associated with the Application. Rural electric cooperatives, such as Tri-County, are subject to the jurisdiction of the Commission as specified in Chapter 394 and Section 386.800 RSMo 2000. For the purpose of this case, the Cooperative is subject to the jurisdiction of the Commission under Section 394.315.2, RSMo 2000. Tri-County is not required to file annual reports with the Commission or pay assessment fees. Further, it does not have pending or final unsatisfied decisions against it from any state or federal court involving customer service or rates within three years of the date of this filing.

Ameren is an electrical corporation subject to the jurisdiction of the Commission as specified, in part, by Chapters 386 and 393, RSMo 2000. Ameren is authorized to provide electricity in and around the area that is the subject of this Application. Ameren is current on its required annual report filings and assessment fees. The Staff is not aware of any other matter before the Commission that affects or is affected by this filing.

## **DISCUSSION**

Tri-County filed its Answer to this Application on August 5, 2014. In its Answer, Tri-County recommends denial and dismissal of the Application for a number of reasons. These reasons include that Ms. Price is not the person of record on the account at this address. Therefore, she is not a member of Tri-County and thus not the proper party to be filing such a request. While not applicable in the immediate case, a possible scenario is that a landowner may lease their property and the associated tenant is the customer of record with the respective utility. Although not considered a member of the associated utility in this example, it would seem to be appropriate for the landowner to petition a similar request if so compelled.

Tri-County points out that Ms. Price mentions that the price is a big reason for filing the Application. Price, based on a rate differential, is not a permissible basis for the Commission to grant a request for a change in electric service providers. Section 394.315.2, RSMo 2000, states, in relevant part, that "...The public service commission, upon application by an affected party, may order a change of suppliers on the basis that it is in the public interest for reasons other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section...".

Ms. Price states in her application that experiencing power outages during storms with associated long duration periods without power as part of her basis in seeking a change in electric suppliers. However, she does not include specific dates, times, voltage fluctuations, flickers, or other power quality issues.

In a conversation with Staff, Ms. Price says to have moved onto the property in the spring of 2009. Tri-County reported to Staff in a subsequent conversation that the previous owner had been a member at this address for nearly fifteen years. Thus, Tri-County has provided electric service to this address for a minimum of nearly twenty years. Both Tri-County and Ameren have capable facilities available to provide electric service to structures located at 3001 E. Illinois Street, Kirksville, Missouri.

Staff requested from Tri-County a synopsis of the circuit utilized to provide service to the structure located at this address, as well as an outage and service history over the past three years. Tri-County responded August 20, 2014, by filing in this case, an abbreviated history dating to January 2013, which indicates extended outages occurring on four days totaling approximately sixteen hours between January 2013 and August 2014. Although no cause or actions taken were included with this outage report, Staff understands these extended outages were storm-related. A list of momentary flickers was also provided, but again with no accompanying information as to probable/possible/actual causes or actions performed. Experiencing extended storm-related outages on four days over a 19-month period for a total of approximately sixteen hours is not necessarily unusual and/or indicative of existing circuit problems. Without conclusive evidence that issues with the quality, reliability or other aspects of the service exist, Staff cannot determine whether Tri-County provided a sufficient effort in responding to and/or addressing such issues, as provided in 4 CSR 240-3.140.1 (F). Information regarding the service reliability, service quality, or other service-related issue that is not available at the time of the filing of the Application must be provided to the Commission prior to it authorizing such a request per 4 CSR 240-3.140.2.

### **CONCLUSION**

Staff recommends that unless the evidence delivered at hearing in this case differs from what Staff reviewed, the Commission find the evidence insufficient to authorize a change in the provider of electric service to 3001 E. Illinois Street, Kirksville, Missouri, 63501 from Tri-County to Ameren, for being in the public interest for reasons other than a rate differential as required by Sections 394.315.2 and 393.106.2 RSMo 2000 and deny the Application of Nancy L. Price.

