

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

In the Matter of the Application of Marshall Municipal                    )  
Utilities and Central Missouri Electric Cooperative, Inc.                )  
For Approval of an Amendment to an Approved                            )  
Territorial Agreement.    )  
**File No. EO-2015-0137**

**ORDER DIRECTING NOTICE AND SETTING DEADLINES FOR INTERVENTION  
AND STAFF RECOMMENDATION**

Issue Date: December 1, 2014

Effective Date: December 1, 2014

On November 25, 2014, Marshall Municipal Utilities (“MMU”) and Central Missouri Electric Cooperative, Inc. (“CMEC”) (collectively, “Applicants”) filed a joint application with the Commission for approval of an amendment to an approved territorial agreement. The Applicants propose to amend their existing territorial agreement to allow a new structure (a horse arena) at Missouri Valley College in Marshall, Missouri, to receive electric service from MMU even though that structure is located within CMEC’s service area. The Applicants state that approval of the amendment to the territorial agreement will not change any of the other terms or conditions of the territorial agreement.

The law requires the Commission to rule on the application no later than 120 days from the application’s filing date, and provides the right to a hearing.<sup>1</sup> The right to a hearing on a territorial agreement signifies a contested case.<sup>2</sup> A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,<sup>3</sup>

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<sup>1</sup> Section 394.312.4 and 5, RSMo Cum.Supp. 2013.

<sup>2</sup> Section 536.010(4), RSMo Cum.Supp. 2013.

<sup>3</sup> Sections 536.060(3) and 536.063(3), RSMo 2000.

including by stipulation and agreement.<sup>4</sup> This notice does not require any party to file an answer.<sup>5</sup> The Commission's rules of discovery are set forth at 4 CSR 240-2.090.

The statutes 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."<sup>6</sup> No such regulation contains any provision for notice. Therefore, the Commission will order notice delivered to elected officials and published in newspapers, set a deadline for intervention, and direct the filing of a staff recommendation.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send a copy of this order to the county commissioners of Saline County, Missouri.
2. The Commission's Public Information Office shall make this notice available to the members of the General Assembly representing Saline County, Missouri and to the newspapers and other media serving that county.
3. Any person or entity wishing to intervene in this matter shall file an application to intervene no later than January 2, 2015. Such applications shall be filed by using the Commission's electronic filing and information system (EFIS).
4. The Staff of the Commission shall file a recommendation on the *Joint Application for Approval of an Amendment to an Approved Territorial Agreement* no later than January 9, 2015.

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<sup>4</sup> Section 394.312.5, RSMo Cum.Supp. 2012; 4 CSR 240-2.115.

<sup>5</sup> Section 536.067(2)(d), RSMo 2000.

<sup>6</sup> Section 394.312.4, RSMo Cum.Supp. 2012.

5. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff  
Secretary

Kim S. Burton, Regulatory Law Judge,  
by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 1<sup>st</sup> day of December, 2014.