

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

In the Matter of the Application of Co-Mo)
Electric Cooperative for Approval of)
Designated Service Boundaries Within)
Portions of Cooper County, Missouri) **File No. EO-2022-0190**

**STAFF’S MOTION TO VACATE ORDER FOR
PROPOSED PROCEDURAL SCHEDULE AND FOR
ORDER GENERALLY CONTINUING 120-DAY FINAL ORDER DEADLINE**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through undersigned counsel, and requests that the Commission vacate its order requiring that a proposed procedural schedule be filed no later than February 14, 2022; and for its further order generally continuing the 120-day final order deadline.

1. On January 18, 2022,¹ Co-Mo Electric Cooperative, Inc. (“Co-Mo”) filed an Application pursuant to Section 396.800.3, RSMo, for an order approving designated service boundaries (“Application”). On February 8, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri”) filed a Response and Motion to Dismiss (“Motion to Dismiss”). On January 19, the Commission issued a Notice of Deficiency with respect to Co-Mo’s Application. On February 9, the Commission issued a Notice of Insufficient Request for Summary Determination with respect to Ameren’s Motion to Dismiss.

2. On February 11, Co-Mo filed a Motion for Expedited Treatment and to Establish Procedural Schedule, and on February 14 the Commission issued an

¹ All date references will be to 2022 unless otherwise indicated.

Order Directing the Parties to File a Proposed Procedural Schedule no later than February 16.

3. Ameren responded, asking the Commission to deny the request for a procedural schedule at this time.

4. The Staff objects to any procedural schedule at this time. Section 386.800.1 (4), RSMo, requires that the Commission shall grant or deny an application within 120 days from the date of the application. Section 386.800.3 requires that an application be made pursuant to the Commission rules and regulations governing applications for certificates of convenience and necessity, and the applicable Rule 20 CSR 4240-20.045(4) states that an application shall include a “feasibility study containing plans and specifications for the utility system, plans for financing, proposed rates and charges, and an estimate of the number of customers, revenues, and expenses during the first three (3) years of operations.”

5. The application did not include a feasibility study with all of the information required by Rule 20.025(4)(D), and is, therefore, deficient. Neither did the application seek waiver of the requirement to include a feasibility study with the information required under Rule 20.045(4)(D). Because the law contemplates that the proceedings will end within 120 days, it also contemplates allowing Staff to get started on its work on day one.

6. Co-Mo’s failure to file the feasibility study renders any procedural schedule impracticable at this time. Indeed, this deficiency either renders Co-Mo’s January 18 filing ineffective to trigger the 120-day final order deadline or, at a minimum, is good cause to

continue generally the 120-day deadline until the deficiency has been cured and the Commission has entered an order re-setting the deadline.

7. Staff has asked counsel for Co-Mo to file the missing information, and it is Staff's understanding that Co-Mo is in the process of preparing a filing with the missing information. Once Co-Mo's filing deficiency is corrected, Staff will be in a position to discuss an appropriate procedural schedule.

WHEREFORE, Staff respectfully prays that the Commission vacate its order requiring a proposed procedural schedule be filed no later than February 16; and that the Commission continue generally the 120-day deadline for ruling on the application until the deficiency identified in the premises has been cured and the Commission has by order reset that deadline; and that the Commission grant such other and further relief as is deemed necessary and just.

Respectfully Submitted,

/s/ Paul T. Graham #30416

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CERTIFICATE OF SERVICE

The undersigned by his signature below certifies that the foregoing pleading was served upon all counsel of record on this 16th day of February, 2022, by electronic filing in EFIS, electronic mail, hand-delivery, or U.S. postage prepaid.

/s/ Paul T. Graham