BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the)	
Application of Rick Weaver for)	File No. EO-2010-0097
Change of Electric Supplier)	

Notice of Contested Case and Order Directing Filings

Issue Date: September 18, 2008 Effective Date: September 18, 2008

The Missouri Public Service Commission is giving notice that a contested case has begun and is ordering parties to file responsive pleadings as follows.

a. Contested Case

On September 16, 2009, Rick Weaver filed an application for a change of electric supplier ("application") from Sac Osage Electric Co-Operative to Kansas City Power & Light.

The statutes provide that a rural electric co-operative has a right to continue serving its members.¹ The due process of law protects such property rights by forbidding deprivation without a hearing in a meaningful manner and time.² The timing of the hearing is meaningful, the Commission concludes, only if such hearing occurs before the Commission decides the application.³

The pre-decision hearing requirement makes this action a "contested case." ⁴ A contested case is a formal hearing procedure, but it allows for waiver of procedural

² *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

¹ Section 394.315.2, RSMo 2000.

³ Jamison v. Dept. of Soc. Servs, 218 S.W.3d 399, 408-09 (Mo. banc 2007).

⁴ Section 536.010(4), RSMo Supp. 2008.

formalities⁵ and a decision without a hearing.⁶ including by stipulation and agreement.⁷ The Commission's discovery regulations are at 4 CSR 240-2.090.8

b. Notice

The Commission must provide notice of a contested case to all necessary parties. 9 Such parties include Sac Osage Electric Co-Operative to Kansas City Power & Light ("respondents"). Therefore, the Commission will order delivery of this notice and order, with a copy of the application, to respondents.

c. Responsive Pleadings

The Commission will order Sac Osage Electric Co-Operative and Kansas City Power & Light to file answers to the application. As to each allegation in the application, each respondent's answer shall:

- admit, deny, or state that the respondent is without sufficient knowledge to admit or deny such allegation; and
- set forth any allegation and argument in support of such respondent position on the application.

The Commission will also order its staff to file a recommendation on the application.

THE COMMISSION ORDERS THAT:

No later than October 19, 2009, Sac Osage Electric Co-Operative and Kansas City Power & Light shall each file an answer as directed in the body of this order.

 ⁵ Sections 536.060(3) and 536.063(3), RSMo 2000.
⁶ Sections 536.060, RSMo 2000.

⁷ 4 CSR 240-2.115.

⁸ Section 536.067(2)(f), RSMo 2000.

⁹ Section 536.067(1), RSMo 2000.

- 2. No later than November 9, 2009, the Commission's staff shall file a recommendation on the application.
 - 3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(SEAL)

Steven C. Reed Secretary

Jordan, Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri, on this 18th day of September, 2009.