

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

In the Matter of the Application of Shannon     )  
Barth for Change of Electric Supplier from     ) **File No. EO-2023-0039**  
City of Butler to Osage Valley Electric         )  
Cooperative   )

**ORDER DIRECTING NOTICE, ADDING PARTIES,  
AND DIRECTING RESPONSES TO APPLICATION**

Issue Date: August 9, 2022

Effective Date: August 9, 2022

On August 8, 2022, Shannon Barth filed an application with the Missouri Public Service Commission requesting a change of electric supplier from the City of Butler, Missouri (City of Butler) to the Osage Valley Electric Cooperative Association (Osage Valley).

The Commission will direct its Data Center to send notice of the application to the City of Butler and Osage Valley. Because they are necessary parties, the City of Butler and Osage Valley will be joined as parties to this proceeding and will be directed to file responses to the application. The Commission will also direct the Staff of the Commission (Staff) to file a recommendation.

**THE COMMISSION ORDERS THAT:**

1. The Commission’s Data Center shall send a copy of this order, with a copy of the application, to the City of Butler and Osage Valley.
2. The City of Butler and Osage Valley are made parties to this proceeding and shall each file a response to the application no later than October 8, 2022.
3. Staff shall file its recommendation regarding the application no later than October 24, 2022.

4. 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, flowing style.

Morris L. Woodruff  
Secretary

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

Dated at Jefferson City, Missouri,  
on this 9<sup>th</sup> day of August, 2022.

FILED

AUG 8 2022

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the matter of the application of )  
Shannon Barth )  
(Name of Applicant) )  
for change of electric supplier. )

Case No. \_\_\_\_\_

APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

1. Applicant's address is: 1461 NE Kelly Drive  
Butler, mo 64730

2. The name of Applicant's current electric service provider is: \_\_\_\_\_  
City of Butler

3. Applicant requests the Missouri Public Service Commission to order a change of electric supplier to the address indicated above.

4. Applicant requested the Commission to order a change of electric supplier from City of Butler  
(Current)  
to Osage Valley Electric Cooperative  
(Requested)

5. Applicant requests the Missouri Public Service Commission to order a change of electric provider for the following reasons.\* City of Butler is  
unable to provide electric to any new construction  
in our small community of Evergreen Estates  
and I am located out of the city limits  
of Butler and should be on a rural electric  
provider.

6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider: \_\_\_\_\_

I have not taken any steps; however others in our small community of Evergreen Estates have with no progress made from City of Butler to resolve the issue of New Construction receiving electric.

WHEREFORE, Applicant requests the Missouri Public Service Commission to issue an Order which changes the current electric service provider.

7/15/2022  
(Date)

Shannon Barth  
(Signature of Applicant)  
(660)679-8716  
(Phone Number)

\*If reason for change is poor service, outages, low voltage, etc., applicant should submit a record of service problems covering at least 90 days, including dates and times of problems to the extent possible. Applicant should also attempt to determine reasons for any service problems. For instance, if electric service was out or you are experiencing blinking lights, you should contact the supplier of electric service to determine the problem, and include this information with the application. (If the reasons from the supplier was a storm, car hitting pole, trees in line, conductor fell down, or whatever the supplier states for the problem, this should be noted.)

STATE OF MISSOURI )

COUNTY OF Bates )

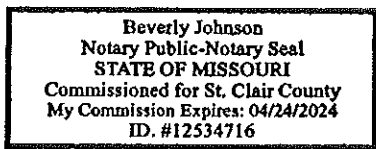
SS.

VERIFICATION

Shannon Barth, on oath, states that he/she has read the foregoing application and is familiar with its contents and the matters set forth therein are true to the best of his/her knowledge, information and belief.

Shannon Barth  
(Signature of Applicant)

SWORN TO BEFORE ME, the undersigned Notary Public on this the 18<sup>th</sup> day of July 2022



Beverly A Johnson  
Notary Public

My Commission Expires: 04/24/2024

**INFORMATION ON PUBLIC SERVICE COMMISSION PROCEDURE  
FOR PRO SE CHANGE OF SUPPLIER APPLICANTS**

*Pro se* applicants are applicants who choose to represent themselves before the Public Service Commission rather than being represented by an attorney. This attachment is intended to give *pro se* applicants information on Commission procedures for applicants for a change of electric supplier. However, it is still the responsibility of *pro se* applicants to educate themselves about Commission procedures. "Parties who represent themselves must satisfy all relevant rules of procedure; they are entitled to no indulgence they would not have received if represented by counsel." *Sutton v. Kestler*, 930 S.W.2d 516, 517 (Mo. App. 1996). Enclosed please find a copy of the Commission's rules on Practice and Procedures. You will be expected to follow these rules.

Generally, there will be five parties in a change of supplier case: (1) the applicant; (2) the applicant's current electric supplier; (3) the electric supplier to whom the applicant wishes to change; (4) the Staff of the Commission; and (5) a representative of the Office of the Public Counsel. The Staff of the Commission is a separate party and will make an independent recommendation to the Commissioners. However, the Commissioners will make the ultimate decision. The Office of the Public Counsel represents the general public before the Commission. Neither the Staff of the Commission nor the Office of the Public Counsel represents the applicant, and neither will act as applicant's attorney nor give substantive advice to the applicant. The Office of the Public Counsel and Staff will try to answer any questions an applicant may have about Commission procedure. The applicant should also be aware that if any pleading or

correspondence is to be filed with the Commission, a copy of that document must be sent to all the other parties.

Other parties may request information from the applicant through the Commission discovery procedure, which is similar to what is allowed in court cases. The purpose of discovery is to find out generally what evidence a party intends to present at a hearing, or what a party's witnesses may be expected to testify at a hearing. All parties, including the *pro se* applicant, may engage in discovery, in accordance with the Commission's rules.

If there are contested matters, the Commission will hold a hearing.

At the hearing, the *pro se* applicant can expect the following procedure: Each party will be allowed to make a brief opening statement. Then the applicant will present evidence. If applicants expect to take the stand to testify on their own behalf, they will have to testify in narrative form, since there will be no attorney to ask them questions. If the applicant intends to put a witness on the stand, applicant will have to ask nonleading, direct examination questions to elicit the witness's testimony.

All witnesses will be asked to give an oath or affirmation, and any witness may be questioned by the Commissioners or the Administrative Law Judge. All witnesses are subject to cross-examination by the other parties. All witnesses should have personal knowledge of the subject of their testimony. Applicants should bring to the hearing at least thirteen copies of any exhibit or document they intend to offer into evidence.

After the applicant has presented evidence, the other parties will be allowed to present their evidence. Then the parties will give their closing statements. Sometimes the Commission wishes to have briefs instead of closing statement. This is unlikely in the

typical change of supplier case, but if briefs are requested the procedure will be explained at the time of the hearing.

In applications for change of electric suppliers, the Commission considers a number of factors in making its decision, including, but not limited to the following:

1. Whether the customer's needs can be adequately met by the present supplier with respect to either the amount or quality of the power;
2. Whether there are health or safety issues involving the amount or quality of power;
3. What alternatives the customer has considered, including alternatives with the present supplier;
4. Whether the customer's equipment has been damaged or destroyed as a result of a problem with the electric supply;
5. The effect the loss of the customer would have on the present supplier;
6. Whether a change in supplier would result in a duplication of service or facilities, especially in comparison with alternatives available from the present supplier, a comparison which could include: (a) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements; and (b) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;
7. The overall burden on the customer caused by the inadequate service, including any economic burden not related to the cost of the electricity itself, and any burden not considered with respect to factor 6(b) above;



8. What efforts have been made by the present supplier to solve or mitigate the problem;
9. The impact the Commission's decision may have on economic development, on an individual or cumulative basis; and
10. The effect the granting of authority for a change of suppliers might have on any territorial agreements between the two suppliers in question, or on the negotiation of territorial agreements between the suppliers.

The applicant should try to address these factors when presenting testimony at the hearing.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9<sup>th</sup> day of August, 2022.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 9, 2022**

**File/Case No. EO-2023-0039**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**City of Butler, Missouri**

Legal Department  
101 N. Lyons  
PO Box 420  
Butler, MO 64730

**Osage Valley Electric  
Cooperative**

Legal Department  
1321 North Orange  
P.O. Box 151  
Butler, MO 64730-0151

**Shannon Barth**

Shannon Barth  
1461 NE Kelly Drive  
Butler, MO 64730

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.