



*Commissioners*

SHEILA LUMPE  
Chair

M. DIANNE DRAINER  
Vice Chair

CONNIE MURRAY

KELVIN L. SIMMONS

STEVE GAW

*Missouri Public Service Commission*

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

April 13, 2001

BRIAN D. KINKADE  
Executive Director

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLILIS  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**

APR 13 2001

Missouri Public  
Service Commission

**RE: Case No. EO-2001-491**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **PROPOSED PROCEDURAL SCHEDULE**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

David A. Meyer  
Associate General Counsel  
(573) 751-8706  
(573) 751-9285 (Fax)

DAM/lb  
Enclosure  
cc: Counsel of Record

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

**FILED<sup>3</sup>**  
APR 13 2001  
Missouri Public  
Service Commission

In the Matter of the Application of The Empire )  
District Electric Company and White River )  
Valley Electric Cooperative for Approval of a )  
Written Territorial Agreement Designating the ) Case No. EO-2001-491  
Boundaries of Each Electric Service Supplier )  
Within the White Oaks Subdivision of the City )  
of Branson, Taney County, Missouri. )

**PROPOSED PROCEDURAL SCHEDULE**

COME NOW the undersigned parties to this proceeding, and respectfully state as follows:

1. On March 16, 2001, The Empire District Electric Company and White River Valley Electric Cooperative ("applicants"), filed a Joint Application requesting that the Commission: 1) approve a Territorial Agreement between the Applicants, based on a finding that it is not detrimental to the public interest; 2) authorize the Applicants to perform in accordance with the terms and conditions of the Territorial Agreement; and 3) find that the Territorial Agreement shall not impair the Applicants' certificates of convenience and necessity other than by the Agreement's own terms.

2. On March 28, 2001, the Commission issued an Order and notice concerning, among other things, the intervention of interested parties. Applications for intervention were to be filed no later than April 17, 2001. To date, no applications to intervene have been filed.

3. The Applicants, the Commission Staff, and the Office of the Public Counsel, who collectively shall hereinafter be known as "the Parties," believe that a stipulation in this case is highly likely and are in the process of preparing a Stipulation and Agreement for presentation to

the Commission.

4. Accordingly, the Parties are proposing the following Procedural Schedule, which will allow compliance with the statutorily mandated 120-day period for action by the Commission and the Commission's requirement that a hearing take place on or before June 1, 2001.

Procedural Schedule

Stipulation and Agreement filed                      May 4, 2001

Evidentiary Hearing    May 18, 2001 at 1:30 P.M.

The parties request an afternoon hearing time because a number of witnesses and attorneys will be traveling from southwest Missouri and a 1:00 or 1:30 P.M. starting time reduces the necessary travel time.

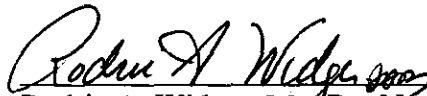
WHEREFORE, the Parties recommend that the Commission issue an order adopting the procedural schedule proposed above.

Respectfully submitted,



Gary W. Duffy, Mo. Bar No. 24905  
Brydon, Swearengen & England, P. C.  
312 East Capitol Drive  
P. O. Box 456  
Jefferson City, MO 65102-0456  
(573) 635-7166 (Telephone)  
(573) 635-3847 (Fax)

Attorney for Empire District Electric  
Company



Rodric A. Widger, Mo. Bar No. 31458  
1111 S. Glenstone  
P. O. Box 4929  
Springfield, MO 65808  
(417) 864-6401 (Telephone)  
(417) 864-4967 (Fax)

Attorney for White River Valley Electric  
Cooperative



David A. Meyer, Mo. Bar No. 46620

Associate General Counsel

P. O. Box 360

Jefferson City, MO 65102

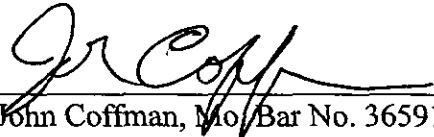
(573) 751-8706 (Telephone)

(573) 751-9285 (Fax)

dmeyer@mail.state.mo.us

Attorney for the Staff of the

Missouri Public Service Commission



John Coffman, Mo. Bar No. 36591

Office of the Public Counsel

P.O. Box 7800

Jefferson City, MO 65102

(573) 751-5565

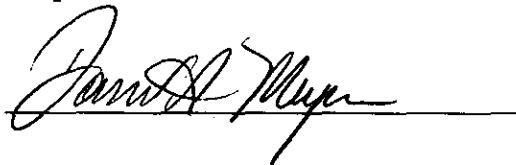
(573) 751-5562 (fax)

Attorney for the

Office of the Public Counsel

### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 13<sup>th</sup> day of April, 2001.



**Service List for  
Case No. EO-2001-491  
April 13, 2001 (lb)**

**Office of the Public Counsel  
PO Box 7800  
Jefferson City, MO 65102**

**Gary W. Duffy/James C. Swearengen  
Brydon, Swearengen & England, P.C.  
312 Capitol Avenue, P.O. Box 456  
Jefferson City, MO 65102**

**Rodric A. Widger  
Andereck, Evans, Milne, Peace & Johnson, LLC  
1111 South Glenstone  
PO Box 4929  
Springfield, MO 65808**

**Terry Dody  
City Administrator  
110 W. Maddux  
PO Box 1309  
Branson, MO 65615**

**Presiding Commissioner  
Taney County Courthouse  
PO Box 156  
Forsyth, MO 65653**