

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

In the Matter of the Joint Application for )  
Extension of the City of Poplar Bluff, Missouri )  
and Ozark Border Electric Cooperative for )  
approval of a Territorial Agreement involving )  
three areas in Butler County, Missouri )

**File No. EO-2017-0358**

**STAFF MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION**

**COMES NOW** Staff of the Missouri Public Service Commission, by and through Staff Counsel's Office, in response to the Commission's July 5, 2017, *Order Directing Notice and Setting Deadlines for Intervention and Staff Recommendation* and moves the Commission to extend the time for Staff to file its recommendation to August 10, 2017. In support thereof, Staff states as follows:

1. On June 30, 2017, Ozark Border Electric Cooperative and the City of Poplar Bluff, Missouri filed a *Joint Application For Extension* for an additional period of five (5) years of their existing twenty (20) year Territorial Agreement originally executed on August 22, 1997, and approved by the Commission in Case No. EO-98-143.

2 The Commission set an intervention period ending on July 20, 2017, and ordered its Staff to file its recommendation on the *Joint Application For Extension* of Territorial Agreement no later than July 20, 2017.

3. Staff requests an extension of time to file its recommendation because it has several Data Requests out to the Joint Applicants for response and Staff would like the opportunity to talk with any entities that may file for intervention to assess their reason(s) for seeking intervention.

4. One of the outstanding Staff Data Requests involves a 2004 clarification of the August 22, 1997 Territorial Agreement which Staff does not believe is addressed in the *Joint Application For Extension* filed on June 30, 2017. Ozark Border filed a Complaint against Poplar Bluff docketed as Case No. EC-2003-0452 in April 2003, regarding Poplar Bluff's compliance with the August 22, 1997 Territorial Agreement filed and approved in Case No. EO-98-143. Ozark Border filed a Notice of Dismissal of its Complaint consented to by Poplar Bluff on July 1, 2004, in Case No. EC-2003-0452, relating that they had reached a settlement of disputed issues. As part of that Notice of Dismissal, Ozark Border and Poplar Bluff filed a Stipulation and Agreement. Among other things, Ozark Border and Poplar Bluff agreed that the Stipulation and Agreement clarified, but did not change the terms and conditions of the August 22, 1997 Territorial Agreement. The Ozark Border – Poplar Bluff Stipulation and Agreement filed in Case No. EC-2003-0452 states in paragraphs 3 and 4:

3. The City herein acknowledges that they are required under the Terms of the Territorial Agreement to give the Cooperative written notice within 60 days after the effective date of an annexation of their intent to serve the structures annexed.

4. In accordance with the Territorial Agreement, the City herein agrees to provide Cooperative written notice within 60 days after the effective date of any future annexations of their intent to serve any structure annexed. Failure by the City to give proper written notice will make the Cooperative the permanent supplier of the annexed structure.

5. Staff notes that it submitted to the Joint Applicants through the Commission's Electronic Filing and Information System ("EFIS") Data Requests on July 14, 2017. Answers to these Data Requests are due on August 3, 2017. Staff proposes to file its recommendation on August 10, 2017, assuming if there are any intervenors, they do not raise any unforeseen issues. If the Joint Applicants complete

submitting their Data Request responses earlier than on August 3, 2017, Staff proposes to file its recommendation earlier than on August 10, 2017, again assuming if there are any intervenors, they do not raise any unforeseen issues.

6. The Staff notes that Section 394.312.5 RSMo. states, in part, as follows regarding the waiving of evidentiary hearings concerning territorial agreements resolved by all parties to a stipulation and agreement:

The commission shall hold evidentiary hearings to determine whether such territorial agreements should be approved or disapproved, except that in those instances where the matter is resolved by a stipulation and agreement submitted to the commission by all the parties such hearings may be waived by agreement of the parties.

Staff may join in a unanimous stipulation and agreement in lieu of filing a Staff recommendation.

**WHEREFORE**, the Staff hereby requests an extension of the date by which it is directed to file its recommendation to August 10, 2017, regarding Joint Applicants' request for a five (5) year extension of time respecting their existing twenty (20) year territorial agreement in Case No. EO-98-143, executed on August 22, 1997, and clarified by Stipulation and Agreement on July 1, 2004, in Case No. EC-2003-0452.

Respectfully submitted,

**/s/ Steven Dottheim**

Steven Dottheim, #29149  
Chief Deputy Staff Counsel  
Attorney for the Staff of the  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102  
(573) 751-7489 (phone)  
(573) 751-9285 (fax)  
[steve.dottheim@psc.mo.gov](mailto:steve.dottheim@psc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19th day of July, 2017.

**/s/ Steven Dottheim**