

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

In the Matter of the Application of)	
White River Valley Electric Cooperative, Inc.)	Case No. <u>EO-2025-0228</u>
For Approval of Designated Service Boundaries)	
Within Portions of Christian County, Missouri.)	

MOTION FOR WAIVER OF 60-DAY NOTICE REQUIREMENT

COMES NOW White River Valley Electric Cooperative, Inc. (“Cooperative”) pursuant to 20 CSR 4240-4.017, who submits this *Motion for Waiver of 60-day Notice Requirement* (“*Motion*”).

20 CSR 4240-4.017 — Waiver of 60-Day Notice Requirement

Cooperative requests a variance from the 60-day notice requirement of 20 CSR 4240-4.017, which states, in relevant part, “Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case [...]”.

Pursuant to 20 CSR 4240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes “[...] a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case[...]”.¹ As indicated in the *Affidavit and Verification* attached to this *Motion*, Cooperative has not had any communication with the office of the Commission, as defined in 20 CSR 4240-4.015(10), within the prior 150 days regarding any substantive issue likely to be in this case and circumstances prevented filing the required notice and delaying the filing for sixty (60) days would cause harm. A party may request a waiver of this section for good cause. Good cause

¹ Pursuant to the Commission’s *Order Waiving 60-Day Notice Requirement* issued on August 1, 2017, in File No. WM-2018-0023, the examples of good cause provided in the rule are not exclusive, and the Commission may find that good cause has been established by other circumstances.

for waiver may include, among other things, a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case or that circumstances prevented filing the required notice and delaying the filing for sixty (60) days would cause harm.

Accordingly, the Cooperative has established good cause for a waiver from the 60-day requirement of 20 CSR 4240-4.017(1).

WHEREFORE, Cooperative respectfully requests that the Commission grant the requested waiver of the 60-day notice requirement.

Respectfully submitted,

/s/ Megan E. McCord

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**Attorney for White River Valley Electric
Cooperative, Inc.**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on February 19, 2025, to the following:

Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

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

/s/ Megan E. McCord

AFFIDAVIT AND VERIFICATION OF RICK JOHNSON

STATE OF MISSOURI)
) ss
COUNTY OF Christiana)

Rick Johnson, being first duly sworn on his oath, states:

1. My name is Rick Johnson. I am employed by White River Valley Electric Cooperative, Inc. ("White River") as Vice President / Chief Engineering Officer.

2. Neither White River nor any person on its behalf has had any communications with the office of the Commission regarding any substantive issue likely to be an issue in the case initiated by this filing during the preceding 150 days.

3. Circumstances prevented filing the required notice and delaying the filing for sixty (60) days would cause harm. Specifically, White River was attempting to engage Liberty in good faith negotiations "within 45 days of the effective date of annexation" of the subject property (pursuant to RSMo § 380.800.3) regarding which supplier would provide electric service. Had said negotiations been effective, the filing of this particular case would not have occurred. White River also had to obtain a franchise from the City of Ozark, Missouri which just occurred on January 6, 2025. Time is of the essence in obtaining an electric supplier for the affected land to allow the timely completion of construction schedule for the landowner and developer.


4. I have read this Affidavit, and I declare under the penalty of perjury that the information contained herein is true and correct to the best of my knowledge and belief.

This 18th day of February, 2025.



Rick Johnson
Vice President / Chief Engineering Officer
White River Valley Electric Cooperative, Inc.

Subscribed and sworn to before me this 18th day of February, 2025.


Notary Public