

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

In the Matter of the Joint Application by the            )  
City of Poplar Bluff, Missouri and Ozark            )  
Border Electric Cooperative for Approval of            )  
Minor Modifications and Extension of a            )  
Territorial Agreement Involving Three Areas        )  
In Butler County, Missouri                            )

**File No. EO-2022-0264**

**ORDER DIRECTING NOTICE, SETTING  
INTERVENTION DEADLINE AND DIRECTING STAFF RECOMMENDATION**

Issue Date: April 4, 2022

Effective Date: April 4, 2022

On March 30, 2022, the City of Poplar Bluff, Missouri (Poplar Bluff) and Ozark Border Electric Cooperative (Ozark Border) filed a joint application with the Commission for approval of modifications and extension of their territorial agreement. The new agreement extends the territorial agreement for a period of thirty years, and makes minor modifications to some aspects of that agreement. The new agreement does not require any current customer of either Poplar Bluff or Ozark Border to change their supplier.

The law requires the Commission to rule on the application no later than 120 days from the application’s filing date,<sup>1</sup> and provides the right to a hearing.<sup>2</sup> The right to a hearing on a territorial agreement signifies a contested case.<sup>3</sup> A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities<sup>4</sup> and a decision

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<sup>1</sup> Section 394.312.4, RSMo 2016.  
<sup>2</sup> Section 394.312.5, RSMo 2016.  
<sup>3</sup> Section 536.010(4), RSMo 2016.  
<sup>4</sup> Sections 536.060(3) and 536.063(3), RSMo 2016.

without a hearing,<sup>5</sup> including by stipulation and agreement.<sup>6</sup> This notice does not require any party to file an answer.<sup>7</sup> The Commission's rules of discovery are set forth at 20 CSR 4240-2.090.

The statutes provide that "notice of such filing shall be given to other electrical suppliers pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity."<sup>8</sup> No such regulation contains any provision for notice. Therefore, the Commission will direct notice to elected officials and to newspapers and other media serving Butler County. The Commission will also set a deadline for intervention and direct the filing of a staff recommendation.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send a copy of this order to the County Commission of Butler County, Missouri.
2. The Commission's Public Policy and Outreach Department shall make this notice available to the members of the General Assembly representing Butler County, Missouri and to the newspapers and other media serving that county.
3. Any person or entity wishing to intervene in this matter shall file an application to intervene no later than May 4, 2022.
4. Staff shall file its recommendation regarding the *Joint Application* no later than May 19, 2022.
5. This order shall be effective when issued.

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<sup>5</sup> Sections 536.060, RSMo 2016.

<sup>6</sup> Section 394.312.5, RSMo 2016; 4 CSR 240-2.115.

<sup>7</sup> Section 536.067(2)(d), RSMo 2016.

<sup>8</sup> Section 394.312.4, RSMo 2016.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Morris L. Woodruff, Chief Regulatory Law Judge  
by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 4<sup>th</sup> day of April, 2022.

**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 4<sup>th</sup> day of April, 2022.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 4, 2022**

**File/Case No. EO-2022-0264**

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**County of Butler, Missouri**  
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**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.