



**Missouri Public Service Commission**

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August 4, 1999

**FILED**

AUG 4 1999

Missouri Public  
Service Commission

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

**RE: Case No. EO-99-599 – AmerenUE and Ozark Border Electric Cooperative**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **REVISED 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,

Dennis L. Frey  
Assistant General Counsel  
(573) 751-8700  
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DLF/wf  
Enclosure  
cc: Counsel of Record

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

**FILED**

AUG 4 1999

Missouri Public  
Service Commission

In the Matter of the Application of Union )  
Electric Company d/b/a AmerenUE and )  
Ozark Border Electric Cooperative for )  
Approval of a Written Territorial )  
Agreement Designating the Boundaries of )  
Each Electric Service Supplier within )  
Portions of Bollinger, Butler, Carter, )  
Dunklin, Iron, Madison, New Madrid, )  
Reynolds, Ripley, Stoddard and Wayne )  
Counties, Authorizing the sale, Transfer, )  
and Assignment of Certain Electric )  
Distribution Facilities, Easements and )  
Other Rights, Generally Constituting the )  
Applicants' Electric Utility Business )  
Associated with its Customers Transferred )  
Pursuant to the Territorial Agreement. )

Case No. EO-99-599

**REVISED PROPOSED PROCEDURAL SCHEDULE**

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

1. On June 16, 1999, Union Electric Company d/b/a AmerenUE ("AmerenUE"), a regulated utility, and Ozark Border Electric Cooperative, Inc. ("Cooperative"), hereinafter collectively known as "the Applicants," filed a Joint Application requesting that the Missouri Public Service Commission ("Commission"): a) approve a Territorial Agreement between the Applicants, based on a finding that the designated service areas are not detrimental to the public interest; b) authorize the Applicants to perform in accordance with the terms and conditions of the Territorial Agreement; c) find that the Territorial Agreement shall not impair AmerenUE's Certificates of Convenience and Necessity, except as specifically limited by the Territorial Agreement; d) waive the Commission's Billing Practices Rule and allow the Applicants to

disconnect electric service to a customer who fails to pay the final bill of the other Applicant; e) grant Applicants the authority to change electric service providers for certain customers, pursuant to the terms of the Territorial Agreement; f) grant Applicants the authority to transfer certain property, pursuant to the Territorial Agreement; g) issue an order authorizing AmerenUE to extinguish all Certificates of Convenience and Necessity under which AmerenUE operates its retail electric business in Butler County and land sections in Dunklin, New Madrid, and Stoddard Counties; h) authorize AmerenUE to terminate its retail electric service to the public in Butler County and said land sections of Dunklin, New Madrid, and Stoddard Counties as a public utility subject to the jurisdiction of the Commission, and, in connection therewith, relieving AmerenUE of all public utility obligations with respect to its retail electric utility business in Butler County and said land sections of Dunklin, New Madrid, and Stoddard Counties, pursuant to said Certificates of Convenience and Necessity; and i) terminate all other duties, obligations, and conditions which have resulted from or have been imposed by law or because of the Commission's jurisdiction over AmerenUE as an electric utility with respect to AmerenUE's retail electric business in Butler county and said land sections in Dunklin, New Madrid, and Stoddard Counties.

2. On June 24, 1999, the Commission issued its Order and Notice, which, *inter alia*: a) directed that the Applicants provide notice of their proposal to affected customers, and that appropriate Commission departments notify other interested parties; b) established July 14, 1999 as the filing deadline for applications to intervene in this docket; c) stated that the Applicants, the Commission Staff, and the Office of the Public Counsel (hereinafter collectively known as "the Parties") may file a procedural schedule in this docket by 3:00 p.m. on July 16, 1999; and

d) established, in the absence of a request to the contrary, August 23, 1999 (9:00 a.m.) as the hearing date for this matter.

3. On July 9, 1999, the Office of the Public Counsel ("Public Counsel") filed a Request for Local Public Hearing in Dexter, Missouri. On July 13, 1999, the Applicants filed copies of the letters sent to their respective customers affected by the Territorial Agreement. Also on July 13th, the City of Poplar Bluff, Missouri filed its Application to Intervene, Objection to Portions of Proposed Territorial Agreement, and Request for Show Cause Order.

4. On July 16, 1999, the parties filed an abbreviated Proposed Procedural Schedule in this docket, suggesting that a pre-hearing conference be scheduled in advance of an evidentiary hearing proposed for August 23, 1999.

5. On August 3, 1999, Cooperative filed a response to Public Counsel's request for a public hearing, wherein Cooperative requested that said public hearing be held in Fisk, Missouri, asserting that Fisk is centrally located "and would allow the most individuals from the surrounding areas to appear and participate in the public hearing."

6. Also on August 3, 1999, the Commission issued its Order Scheduling Local Hearing, setting the local hearing for August 19, 1999 (6:00 P.M.) at the Dexter High School auditorium, 1101 West Grant, Dexter, Missouri.

7. Upon further discussion, the parties have concluded that: a) in light of the aforementioned scheduled date for the local public hearing, it is no longer feasible to hold the evidentiary hearing on August 23rd; and b) the circumstances of this case now warrant the establishment of a more detailed procedural schedule.

8. Accordingly, the parties are hereby proposing the following more detailed Revised Procedural Schedule, which incorporates a later, more realistic date for the evidentiary hearing.

It is to be noted that if a settlement among the parties cannot be reached, it is quite possible that the Procedural Schedule proposed below will not allow compliance with the statutorily mandated 120-day period for action by the Commission (i.e., by October 14, 1999). In such event, the parties, pursuant to Section 394.312.3 (RSMo), would need to request, for good cause shown, an extension of said compliance period.

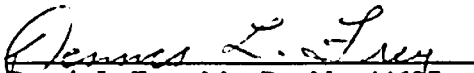
**Procedural Schedule**

Direct Testimony by Applicants	August 9, 1999
Local Public Hearing	August 19, 1999
Rebuttal Testimony (all parties except Applicants)	August 27, 1999
Statement of Issues	September 2, 1999
Surrebuttal/Cross-Surrebuttal (all parties)	September 9, 1999
State of Positions on the Issues (all parties)	September 13, 1999
Evidentiary Hearing	September 17, 1999

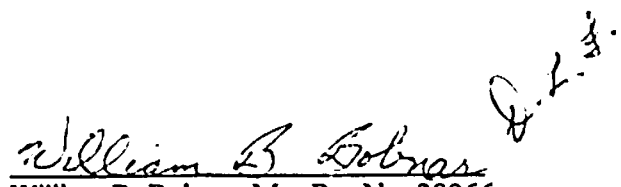
**WHEREFORE**, the Parties recommend that the Commission issue an order adopting the Revised Procedural Schedule proposed above.

Respectfully submitted,

DANA K. JOYCE  
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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 4th day of August 1999.

Dennis L. Frey

**SERVICE LIST FOR  
CASE NO: EO-99-599  
August 4, 1999**

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