

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day of
February, 2018.

In the Matter of the Application of Matt)
Mylott for a Change of Electric Service) **File No. EO-2018-0118**
Supplier from The Empire District Electric)
Company to White River Valley Electric)
Cooperative, Inc.)

ORDER APPROVING UNANIMOUS STIPULATION AND AGREEMENT

Issue Date: February 28, 2018

Effective Date: March 12, 2018

On February 23, 2018, Matt Mylott, The Empire District Electric Company ("Empire"), White River Valley Electric Cooperative, Inc. ("White River"), and the Staff of the Commission ("Staff") filed a unanimous stipulation and agreement resolving all issues regarding Mr. Mylott's application for a change of electric supplier.

On November 2, 2017, Mr. Mylott filed an Application with the Missouri Public Service Commission ("Commission"), requesting the Commission authorize a change of electric service supplier from Empire to White River. Mr. Mylott owns property at 20577 State Highway 413, Reeds Spring, Missouri. There are four structures on the property; three are served by White River and one by Empire. Mr. Mylott desires to have all of his structures served by White River. Currently Empire provides single phase service to one of the four structures. Mr. Mylott wants three phase service for two of the structures, including the one served by Empire.

The stipulation and agreement provides that in exchange for Empire releasing Mr. Mylott and allowing him to change electric suppliers from Empire to White River, White River will make a one-time payment to Empire in the amount of \$6,200. This amount represents four years lost revenues as determined by estimating charges for electric service to the one building on the Property currently being served by Empire plus Empire's estimated cost of removing its facilities currently located on the property. White River's payment to Empire prevents Empire's other customers from being harmed by the change of supplier.

Staff, in its January 19, 2018, recommendation, found Mr. Mylott's request to have White River to be the sole electric service provider on his property is the quickest way for him to obtain three phase power, reduce the number of existing meters on his property, and prevent duplicative facilities. The change of supplier would be in the public interest for a reason other than a rate differential.

After reviewing the stipulation and agreement, the Commission independently finds and concludes that the stipulation and agreement is a reasonable resolution of the issue and that the stipulation and agreement should be approved. The effective date of the order will be March 12, 2018, to expedite Mr. Mylott's acquisition of three phase service.

THE COMMISSION ORDERS THAT:

1. The Unanimous Stipulation and Agreement filed on February 23, 2018, is approved. Matt Mylott is allowed to change electric service providers from The Empire District Electric Company to White River Electric Cooperative as detailed in the Unanimous Stipulation and Agreement. The parties are ordered to comply with the terms of the

stipulation and agreement. A copy of the stipulation and agreement is attached to this order and incorporated by reference.

2. This order shall be effective on March 12, 2018.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and
Silvey, CC., concur.

Clark, Regulatory Law Judge

In the Matter of the Application of)
 Matt Mylott for a Change of Electric) File No. EO-2018-0118
 Supplier from The Empire District Electric)
 Company to White River Valley Electric)

COME NOW the parties hereto, Matt Mylott (“Mr. Mylott” or “Customer”), The Empire District Electric Company (“Empire”), White River Valley Electric Cooperative, Inc. (“White River”), and the Staff of the Commission (“Staff”) (collectively, the “Signatories”), and stipulate and agree as follows regarding the Application for Change of Electric Service Provider (“Application”) filed herein by Mr. Mylott.

1. On November 2, 2017, Mr. Mylott filed his Application with the Missouri Public Service Commission (“Commission”), requesting the Commission authorize a change of the supplier of electric service from Empire to White River at 20577 State Highway 413, Reed Spring, Missouri (the “Property”).

2. On November 6, 2017, the Commission issued its *Order Directing Notice, Adding Parties, and Directing Responses to Application* making Empire and White River parties to the case and directing Staff to file a recommendation.

3. Mr. Mylott recently acquired the Property which is located just south of Reed Springs, Missouri, with four existing structures; three of which are served by White River, and one by Empire. Mr. Mylott wishes to have three phase service provided to two buildings on his property; one of these structures currently receives single phase service from Empire. Mr. Mylott requests to have the three phase service provided expeditiously and requests that White River be the sole electric service provider for the Property.

4. White River filed a response to the Application, stating its desire and ability to be the exclusive electric service provider for the Property.

5. Empire filed a response to the Application, requesting that the Commission deny the Application. Empire stated that it has the right, pursuant to RSMo. §393.106, to continue as the electric service provider for the structure on the Property currently being served by Empire. Empire began providing permanent service to said structure in July of 2004. Empire further stated that it stands ready, willing, and able to provide three phase service to the Property.

6. Staff conducted an investigation and reviewed the information submitted in this case file. On January 19, 2018, Staff filed its Recommendation with Staff's Memorandum attached as Appendix A, recommending approval of the Application as being in the public interest for reasons other than a rate differential.

7. In exchange for Empire "releasing" this Customer and allowing the Customer to change electric suppliers from Empire to White River, White River will make a one-time payment to Empire in the amount of \$6,200. This amount represents four years' of "lost revenues" determined by estimating charges for electric service to the one building on the Property currently being served by Empire plus Empire's estimated cost of removing its facilities currently located on the Property.

8. Due to the payment to be made by White River to Empire, Empire's remaining retail customers will not be harmed by the Customer changing electric suppliers. As such, the Commission's approval of this Unanimous Stipulation and Agreement is in the public interest.

WHEREFORE, the Signatories enter into this Stipulation and Agreement and respectfully request the Commission's approval thereof.

Applicant:

/s/ Matt Mylott
Matt Mylott
242 Sportman's Cir.
Reeds Spring, MO 65737
Email: mmac4u2@gmail.com

Counsel for Empire:

BRYDON, SWEARENGEN & ENGLAND, P.C.

By: /s/ Diana C. Carter
Diana C. Carter MBE# 50527
312 East Capitol Avenue
P. O. Box 456
Jefferson City, Missouri 65102
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
Email: dcarter@brydonlaw.com

Counsel for White River:

CARNAHAN, EVANS, CANTWELL & BROWN, P.C.

By: /s/ Christiaan D. Horton
Christiaan D. Horton MBE# 46003
2805 S. Ingram Mill Rd.
Springfield, Missouri 65804
Telephone: (417) 447-4400
Facsimile: (417) 447-4401
Email: chorton@cecb.com

Staff Counsel-Missouri Public Service Commission:

By: /s/ Mark Johnson
Mark Johnson MBE# 64940
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, Missouri 65102
(573) 751-7431
Email: Mark.Johnson@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Mail, postage prepaid, on this 23rd day of February, 2018, to all counsel of record.

CARNAHAN, EVANS, CANTWELL & BROWN, P.C.

By: /s/ Christiaan D. Horton
Christiaan D. Horton MBE# 46003


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 28th day of February 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

February 28, 2018

File/Case No. EO- 2018-0118

**Missouri Public Service
Commission**

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

Office of the Public Counsel

Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

**Empire District Electric
Company, The**

Diana C Carter
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
DCarter@brydonlaw.com

Matt Mylott

Matt Mylott
242 Sportman's Cir
Reeds Spring, MO 65737
mmac4U2@gmail.com

**Missouri Public Service
Commission**

Mark Johnson
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
mark.johnson@psc.mo.gov

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

Christiaan D Horton
2805 S. Ingram Mill Road
Springfield, MO 65804
chorton@cecb.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.