

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) **File No. EO-2017-0358**
Approval of a Territorial Agreement)
Involving Three Areas in Butler County, Missouri)

ORDER DIRECTING NOTICE AND SETTING DEADLINES FOR INTERVENTION AND STAFF RECOMMENDATION

Issue Date: July 5, 2017

Effective Date: July 5, 2017

On June 30, 2017, the City of Poplar Bluff, operating through its Municipal Utilities, and Ozark Border Electric Cooperative (collectively, “Applicants”) filed a joint application with the Commission for approval of an extension of their previously approved territorial agreement.¹ The Applicants propose to amend their existing territorial agreement by extending it for an additional five-year term. The Applicants state that approval of the amendment to the territorial agreement will not change any of the other terms or conditions of the territorial agreement.

The law requires the Commission to rule on the application no later than 120 days from the application’s filing date, and provides the right to a hearing.² The right to a

¹ *In the Matter of the Joint Application 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-98-143 (Report and Order, issued Dec. 31, 1997).

² Section 394.312.4 and 5, RSMo 2016.

hearing on a territorial agreement signifies a contested case.³ However, a hearing may be waived by agreement of the parties.⁴

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.”⁵ No regulation contains any provision for notice with regard to certificates of public convenience and necessity. Therefore, the Commission will order notice delivered to elected officials and published in newspapers, 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 commissioners of Butler County, Missouri.
2. The Commission’s Public Information Office 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 July 20, 2017.
4. The Staff of the Commission shall file a recommendation on the *Joint Application for Approval of an Amendment to an Approved Territorial Agreement* no later than July 20, 2017.

³ Section 536.010(4), RSMo 2016.

⁴ Section 394.312.5, RSMo 2016. This notice does not require any party to file an answer. Section 536.067(2)(d), RSMo 2016. The Commission’s rules of discovery are set forth at 4 CSR 240-2.090.

⁵ Section 394.312.4, RSMo 2016.

5. This order shall be effective when issued.

BY THE COMMISSION



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

Morris L. Woodruff
Secretary

Nancy Dippell, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 5th day of July, 2017.

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 5th day of July 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 5, 2017

File/Case No. EO-2017-0358

**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

City of Poplar Bluff, Missouri

Mark Richardson
PO Box 310
Poplar Bluff, MO 63902
mark@markrichardsonlaw.com

County of Butler, Missouri

County Commission Clerk
100 N. Main, Room 202
Butler County Courthouse
Poplar Bluff, MO 63901

**Ozark Border Electric
Cooperative**

Scott Robbins
1165 Cherry Street
PO Box 696
Poplar Bluff, MO 63902
scott@kkrylawfirm.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.