

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 30th  
day of April, 1993.

In the matter of the application of Citizens )  
Electric Corporation for a waiver from reporting ) CASE NO. EO-92-116  
requirements of 4 CSR 240-20.080 for good cause )  
shown. )

ORDER APPROVING STIPULATION AND AGREEMENT

On July 3, 1991, the Commission issued an Order of Rulemaking regarding 4 CSR 240-20.080 (rule). The rule requires electrical corporations to accumulate and provide certain information to the Commission's Energy Department. On November 26, 1991, Citizens Electric Corporation (Citizens) filed an application for a waiver of the monthly reporting requirements of the rule.

On February 25, 1992, the Commission granted Citizens a waiver from Sections (1)(A), (B), (C), (F), (G), (H), (I) and (J) of the rule. The Commission did not rule on the issue of a waiver of Sections (1)(D) and (E) and (2) through (8) of the rule but scheduled a prehearing conference concerning that issue.

On April 8, 1993, Citizens and the Staff of the Commission (Staff) filed a Joint Stipulation and Agreement (Attachment A to this Order and incorporated herein by reference) which proposed to settle all issues in this case. No objection to the Joint Stipulation and Agreement (Stipulation) has been filed.

The Stipulation provides that Citizens will be granted a waiver from the rule as requested in its application of November 26, 1991. In return for the waiver and in lieu of the information required by the rule, Citizens has agreed to accumulate the following information and transmit it on a monthly basis to the Manager of the Commission's Energy Department:

- (1) the total hourly integrated load for Citizen's system; and
- (2) the monthly hourly demand summary that is used for billing purposes.

Citizens has been submitting the information described in the preceding paragraph since May, 1992. Staff has agreed that it will not pursue an action for noncompliance for failing to supply the information required by the rule prior to the effective date of the waiver provided that Citizens continues to submit the information required by the Stipulation.

The Stipulation provides that the reporting requirements prescribed by the Stipulation will be in addition to all other reporting requirements prescribed by law. The Stipulation also provides that the information reported pursuant to the Stipulation will be subject to the provisions of Section 386.480 and the use of such information in any proceeding shall be governed by any protective order issued by the Commission in that proceeding. The Stipulation further provides that neither Staff nor the Commission will be bound to the approval or acceptance of, or agreement with, any matter reported pursuant to the Stipulation for the purpose of fixing rates or determining any other issue.

In addition, the waiver granted pursuant to the Stipulation is contingent upon Citizens not engaging in generation activities. Should Citizens acquire generating facilities or engage in generation activities in the future, it will immediately become subject to all requirements of the rule.

The Commission has reviewed the application and the Stipulation in this matter. The Stipulation allows Staff to receive and review sufficient data to evaluate the load and demand factors of Citizen's system, yet reflects the reality of Citizen's power supply arrangements. Also, the conditions set forth in the Stipulation are equitable and beneficial for purposes of protecting the public interest in the future. Thus, the Commission finds that the Stipulation in this case is just and reasonable.

The Commission may approve a stipulation of the issues in a case if it finds that the stipulation is just and reasonable. The Commission has so found and thus determines that the Stipulation in this case should be approved.

IT IS THEREFORE ORDERED:

1. That the Stipulation and Agreement filed in this case (Attachment A) is hereby approved and adopted.

2. That Citizens Electric Corporation is hereby granted a waiver from the requirements of 4 CSR 240-20.080, as contemplated by its application and the Stipulation and Agreement approved in Ordered Paragraph 1.

3. That this Order shall become effective on the 11th day of May, 1993.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,  
Perkins and Kincheloe, CC.,  
concur.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of )  
Citizens Electric Corporation for a )  
waiver from reporting requirements of ) Case No. EO-92-116  
4 CSR 240-20.080 for good cause )  
shown. )

JOINT STIPULATION AND AGREEMENT

Come now Citizens Electric Corporation (Citizens) and the Staff of the Public Service Commission of the State of Missouri (Staff), having agreed to the Stipulations set forth below, and respectfully submit this Joint Stipulation and Agreement (Stipulation) to the Public Service Commission of the State of Missouri (Commission) for its approval in resolution of Case No. EO-92-116:

1. Citizens shall be granted a waiver from 4 CSR 240-20.080 (the Rule) as requested in its application for waiver filed on November 26, 1991. In return for such waiver, and in lieu of the specific information required to be reported by the Rule, Citizens agrees that it shall accumulate the following information (or have it accumulated) and transmit it, on a monthly basis, in writing to the Energy Department Manager of the Staff no later than the last business day of the month following the month to be reported:

(i) the total hourly integrated load for  
Citizen's system, and

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(ii) the monthly hourly demand summary that is used for billing purposes.

Staff recognizes that, beginning in May 1992, Citizens has submitted the information required in subparagraphs (i) and (ii) above and agrees that it will not pursue an action for noncompliance against Citizens for its failure to submit the information required by the Rule prior to the effective date of the waiver provided in this Stipulation provided that Citizens continues to submit the information required in subparagraphs (i) and (ii).

2. All reports and information submitted by Citizens pursuant to this Stipulation shall be subscribed by the president, treasurer, general manager, receiver or other authorized representative having knowledge of the subject matter and shall be stated to be accurate and complete, and contain no material misrepresentations or omissions, based upon facts of which the person subscribing the report or information has knowledge, information or belief, and sent to the Energy Department Manager, Missouri Public Service Commission, P. O. Box 360, Room 530, 301 West High Street, Jefferson City, Missouri 65102.

3. The parties recognize and agree that the reporting requirements prescribed by paragraph 1 of this Stipulation shall be in addition to all other reporting requirements prescribed by law, and that the information contained in the reports filed pursuant to this Stipulation shall be subject to the provisions of Section 386.480 RSMo 1986 and that the use of that information in

any proceeding before the Commission shall be governed by the terms of any protective order issued by the Commission in such proceeding, if a protective order has been issued.

4. The receipt by the Commission or Commission Staff of reports prescribed by this Stipulation shall not bind the Commission or Commission Staff to the approval or acceptance of, or agreement with, any matter contained in the reports for the purpose of fixing rates or in determining any other issue that may come before the Commission.

5. As recognized in the Commission's February 25, 1992, Order Granting Waiver in Part and Scheduling Prehearing Conference, Citizens' application for waiver from the reporting requirements of the Rule was based on its lack of generating facilities. Therefore, the waiver agreed to herein by Staff is contingent upon Citizens not engaging in generation activities. The parties hereto agree that in the event that Citizens acquires generating facilities or engages in generation activities in the future, it shall immediately become subject to all requirements of 4 CSR 240-20.080.

6. The Office of Public Counsel has reviewed this Stipulation and indicated that they have no objection thereto.

7. The parties do not believe that a hearing is necessary in this proceeding; however, in the event the Commission believes that a hearing on this Stipulation is necessary, the parties stand ready to participate in such hearing and answer any questions the Commission may have concerning this Stipulation.

WHEREFORE, Citizens and Staff respectfully request an order of the Commission approving this Joint Stipulation and Agreement.

Respectfully submitted,

Patrick A. Baumhoer  
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314-751-8701

Date: 4-1-93

Date: 4/8/93

**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 following service list this 8th day of April, 1993.

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[Signature]