

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Wasatch Investments, LC, for Change of Electric Supplier.) **Case No. EO-2008-0031**

ORDER DIRECTING FILING, DIRECTING INCLUSION OF SPECIFIC ISSUES IN BRIEFS AND SETTING A DEADLINE FOR REQUESTS TO BE EXCUSED FROM ANY SCHEDULED EVIDENTIARY HEARING

Issue Date: January 29, 2008

Effective Date: January 29, 2008

During the prehearing conference on December 28, 2007, the Missouri Public Service Commission ordered the parties to file either a proposed hearing date or proposed briefing schedule no later than February 5, 2008. During that conference the parties were further directed to include two specific issues in their briefs.

At the prehearing conference legal counsel for Cuivre River Electric Cooperative, Inc. (Cuivre River), stated that, based upon legal arguments raised by other parties, Cuivre River was no longer willing or able to serve Wasatch Investments, LC. Cuivre River's statement raised an additional issue the Commission shall require the parties to address in briefs.

Each party shall address the following three issues in any brief filed in this case:

- 1) Can the Commission consider a change of supplier request under Section 393.106(2) RSMo 2000, when electric service has never been provided through permanent service facilities at the location in question?
- 2) If the Commission can consider a change of supplier request even when electric service has never been provided through permanent service facilities at the location in question, does Section 393.106(2) RSMo 2000, bar the Commission from considering the legality of service in considering that request?

- 3) What authority, if any, does the Commission have to grant a change of electric service request that would make the new service supplier a rural electric cooperative if that rural electric cooperative is unwilling or unable to serve the customer in question?

During the prehearing conference parties further indicated a desire to minimize the litigation costs associated with this proceeding. Therefore, in the event that some, but not all, of the parties request a hearing in this case, the Commission shall set a deadline for parties not wishing to call or cross-examine witnesses to file requests to be excused from the hearing. The Commission shall also set a deadline to respond to any such request.

IT IS ORDERED THAT:

1. The parties shall jointly prepare and file either a proposed hearing date or proposed briefing schedule in this case, no later than February 5, 2008.
2. In addition to any other issues identified by the parties, each party shall address the three issues set out in the body of this order in any brief filed in this case.
3. In the event a proposed hearing date is filed by the parties, any request to be excused from participation in the hearing shall be filed no less than two weeks prior to the hearing date as ultimately scheduled.
4. Objections to any request to be excused from participation in any scheduled hearing shall be filed no less than one week before the hearing date as ultimately scheduled.

5. This order shall become effective on January 29, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a faint, circular embossed seal.

Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of January, 2008.