

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 29th day of
August, 2012.

In the Matter of the Application of)	
Missouri Highways and Transportation Commission)	File No. EO-2012-0441
For Change of Electrical Supplier)	

ORDER GRANTING APPLICATION

Issue Date: August 29, 2012

Effective Date: September 9, 2012

The Missouri Public Service Commission ("PSC") is granting the *Application for Change of Electric Service Provider* ("application") to change the supplier of electricity from Ozark Electric Cooperative, Inc. to the City of Springfield, Missouri Board of Public Utilities ("City Utilities") for the westbound ramp signal light on the north side of the interchange of I-44 and US 160 ("light").

A. Procedure

On June 28, 2012, the Missouri Highways and Transportation Commission ("MoHaT") filed the application. On June 28, 2012, the Commission issued notice of the application. On July 19, Ozark Electric Cooperative, Inc. filed an answer. On July 25, 2012, City Utilities filed an answer. On August 13, 2012, the PSC staff ("Staff") filed its recommendation in favor of the application.

Neither of the answers opposed the application and the PSC received no response to Staff's recommendation within the time provided by regulation.¹ No law requires a hearing to approve the unopposed application, so this action need not be a

¹ 4 CSR 240-2.080(13).

contested case.² Therefore, the PSC will determine all issues as a non-contested case,³ and without separately stating its findings of fact.

Based on the verified filings, the PSC independently makes the following findings and conclusions.

B. Jurisdiction

The PSC's jurisdiction includes changing a rural electrical cooperative's right to supply electricity as follows:

The [PSC], upon application made by an affected party, may order a change of suppliers . . . , and the [PSC] is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. [. ⁴]

A party "affected" by a matter is one "interested therein . . . with respect to any matter determined therein."⁵ MoHaT has an interest in the intersection because it owns the light.

C. Merits

The standard is that PSC may grant the application:

. . . on the basis that it is in the public interest for a reason other than a rate differential [.] The commission's jurisdiction under this section is limited to public interest determinations [. ⁶]

The PSC's regulation echoes that requirement:

² Section 536.010(4), RSMo Supp. 2010.

³ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

⁴ Section 394.315.2, RSMo 2000.

⁵ *State ex rel. Riverside Pipeline Co., L.P. v. Public Service Comm'n of State*, 215 S.W.3d 76, 81 (Mo. banc 2007).

⁶ Section 394.315.2, RSMo 2000.

In addition to the requirements of 4 CSR 240-2.060(1), applications for the approval of a change in electrical suppliers shall include:

* * *

(G) The reasons a change of electrical suppliers is in the public interest [.]⁷

The public interest includes factors related to “efficient facilities and substantial justice between patrons and public utilities [.]”⁸ Such factors are present in the application, as Staff’s recommendation and the parties’ affidavits show. MoHaT seeks to consolidate electrical service as part of an upgrade to the intersection, the economy and efficiency of which is in the public interest.

In addition, Staff explains that City Utilities meets the following standard for providing service outside its municipal boundaries:

The structure is located in an area which was previously served by an electrical corporation regulated under chapter 386, and chapter 393, and the electrical corporation's authorized service territory was contiguous to . . . the municipality's previous corporate boundaries, and the electrical corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11, 1991 [.]⁹

Staff provided its research showing that the light is within the territory of the former Springfield Gas and Electric, which City Utilities acquired in 1945.

⁷ 4 CSR 240-3.140(1).

⁸ Section 386.610, RSMo 2000.

⁹ Section 386.800.1(4), RSMo

Therefore the PSC will grant the application, and make this order effective less than 30 days from issuance, because the unopposed character of the application constitutes good cause.¹⁰

THE COMMISSION ORDERS THAT:

1. The *Application for Change of Electric Service Provider* is granted and the supplier of electric service for the westbound ramp signal light on the north side of the interchange of I-44 and US 160 is changed from Ozark Electric Cooperative, Inc. to the City of Springfield, Missouri Board of Public Utilities.

2. This order shall become effective on September 9, 2012.

3. This file shall be closed on September 10, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney, and
Stoll, CC., concur.

Jordan, Senior Regulatory Law Judge

¹⁰ Section 386.490.2, S.B. 48, 96th Gen. Assem., 2nd Reg. Sess.