

On August 2, 2007, the Commission issued an order that, among other things, made AmerenUE and Cuivre River parties to this matter, set September 4, 2007, as the deadline for parties to respond to the application, and directed its Staff to file its recommendation regarding the application. AmerenUE and Cuivre River each filed

responses concurring with Wasatch's change of supplier request. On September 14, 2007, Staff timely filed its "Recommendation the Commission Issue Order to Show Cause." No other responses were filed.

Based upon its review of Wasatch's application, Staff recommended the Commission dismiss that application as unlawful. However, Staff believed Wasatch could lawfully obtain electric service from Cuivre River through a territorial agreement between Cuivre River, AmerenUE and the City of O'Fallon under Section 394.315.2, RSMo 2000. Staff further recommended that the Commission direct Wasatch, AmerenUE and Cuivre River to respond to its analysis.

On October 1, 2007, the Commission issued an order directing each party to file a response to the arguments raised on pages 2 through 5 of the Staff's September 14<sup>th</sup> recommendation. AmerenUE, Cuivre River and Wasatch each filed a response. Based upon Staff's analysis, AmerenUE now asks the Commission to deny Wasatch's application and Cuivre River "retracts any prior requests regarding the merits" of Wasatch's application. In its response Wasatch agrees that the property at issue is located within the city limits of O'Fallon, Missouri, and therefore Cuivre River cannot provide service to that location absent a territorial agreement between Cuivre River, AmerenUE and the city. However, Wasatch nevertheless reiterated its request that the Commission grant its request for a change of supplier from AmerenUE to Cuivre River.

This matter is now at issue and a prehearing conference and procedural schedule are appropriate to ensure its prompt resolution. It is expected that the prehearing conference will provide an opportunity for the parties to further pursue settlement discussions. Because the parties appear to be in agreement as to many, if not all, the

material facts in this case, the Commission shall direct the parties to file a list of stipulated facts, and if appropriate, a list of facts in dispute two weeks after the prehearing conference.

The Commission informs the parties that this prehearing conference is *not* an *evidentiary hearing*. Sworn testimony will not be taken and no final decision will result from this prehearing conference. However, all parties are required to be present for and arrive at the prehearing at or before the scheduled starting time of 1:00 p.m. Pursuant to Commission Rule 4 CSR 240-2.090, "Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the parties or the party's complaint, application or other action unless good cause for the failure to appear is shown."

**IT IS ORDERED THAT:**

1. The parties shall attend a prehearing conference to be held on November 1, 2007, beginning at 1:00 p.m. The prehearing conference will be held in Room 305 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the conference.
2. The parties shall jointly prepare and file a list of stipulated facts to which all parties agree no later than November 15, 2007.
3. The parties shall jointly prepare and file a list of the facts in dispute, or a statement indicating no facts are in dispute, no later than November 15, 2007.

4. This order shall become effective on October 18, 2007.

**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 18<sup>th</sup> day of October, 2007.