

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of James)
and Denise Haston for Change of Electric) **File No. EO-2020-0163**
Supplier)

ORDER DIRECTING NOTICE, ADDING PARTIES, AND DIRECTING RESPONSES TO APPLICATION

Issue Date: December 12, 2019

Effective Date: December 12, 2019

On December 11, 2019, James and Denise Haston filed an application with the Missouri Public Service Commission requesting a change of their electric supplier from Ozark Electric Cooperative, Inc. (Ozark) to the City of Monett (Monett).

The Commission will direct its Data Center to send notice of the application to Ozark and Monett. Because they are necessary parties, Ozark and Monett will be joined as parties to this proceeding and will be directed to file responses to the application. The Commission will also direct the Staff of the Commission to file a recommendation.

THE COMMISSION ORDERS THAT:

1. The Data Center of the Missouri Public Service Commission shall send this order, with a copy of the application, to Ozark Electric Cooperative, Inc. and The City of Monett.
2. Ozark Electric Cooperative, Inc. and The City of Monett are made parties to this proceeding and shall each file a response to the application no later than January 13, 2020.
3. The Staff of the Commission shall file its recommendation no later than January 31, 2020.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 12th day of December, 2019.

FILED²

DEC 11 2019

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the matter of the application of)

James & Denise Hester)
(Name of Applicant))

Case No. _____

for change of electric supplier.)

APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

1. Applicant's address is: 603 Farm Road 2240 Conder
Construction)

2. The name of Applicant's current electric service provider is: Monett
MO City Utilities (currently Ran under dispute Ozark Electric)

3. Applicant requests the Missouri Public Service Commission to order a change
of electric supplier to the address indicated above.

4. Applicant requested the Commission to order a change of electric supplier
from Ozark Electric Cooperative
(Current)
to Monett MO City Utilities
(Requested)

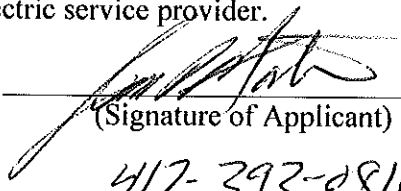
5. Applicant requests the Missouri Public Service Commission to order a change
of electric provider for the following reasons.* Our property has
been annexed to the city in order to
obtain electric, sewer, trash disposal, police
and fire services. This property has not
been occupied in over 30 years. It is yet
undetermined whether the well is viable and a new
one drilled. Please note the well house at this time
is not electrified

6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider: I have established
through the city of manett electrical service.
Not completely comprehending the service
process, and noting the adjacent neighbors
are using city utilities. Therefore assuming
our property is subject to the same.

WHEREFORE, Applicant requests the Missouri Public Service Commission to issue an Order which changes the current electric service provider.

11/22/2019

(Date)


(Signature of Applicant)

417-393-0811

(Phone Number)

*If reason for change is poor service, outages, low voltage, etc., applicant should submit a record of service problems covering at least 90 days, including dates and times of problems to the extent possible. Applicant should also attempt to determine reasons for any service problems. For instance, if electric service was out or you are experiencing blinking lights, you should contact the supplier of electric service to determine the problem, and include this information with the application. (If the reasons from the supplier was a storm, car hitting pole, trees in line, conductor fell down, or whatever the supplier states for the problem, this should be noted.)

STATE OF MISSOURI

COUNTY OF BARRY

)
)
) SS.

VERIFICATION

JAMES HASTON, on oath, states that he/she has read the foregoing application and is familiar with its contents and the matters set forth therein are true to the best of his/her knowledge, information and belief.


(Signature of Applicant)

SWORN TO BEFORE ME, the undersigned Notary Public on this the 25th
day of November 2019.



Wanda K. Pruitt
Notary Public

My Commission Expires: 02/25/2020

**INFORMATION ON PUBLIC SERVICE COMMISSION PROCEDURE
FOR *PRO SE* CHANGE OF SUPPLIER APPLICANTS**

Pro se applicants are applicants who choose to represent themselves before the Public Service Commission rather than being represented by an attorney. This attachment is intended to give *pro se* applicants information on Commission procedures for applicants for a change of electric supplier. However, it is still the responsibility of *pro se* applicants to educate themselves about Commission procedures. "Parties who represent themselves must satisfy all relevant rules of procedure; they are entitled to no indulgence they would not have received if represented by counsel." *Sutton v. Kestler*, 930 S.W.2d 516, 517 (Mo. App. 1996). Enclosed please find a copy of the Commission's rules on Practice and Procedures. You will be expected to follow these rules.

Generally, there will be five parties in a change of supplier case: (1) the applicant; (2) the applicant's current electric supplier; (3) the electric supplier to whom the applicant wishes to change; (4) the Staff of the Commission; and (5) a representative of the Office of the Public Counsel. The Staff of the Commission is a separate party and will make an independent recommendation to the Commissioners. However, the Commissioners will make the ultimate decision. The Office of the Public Counsel represents the general public before the Commission. Neither the Staff of the Commission nor the Office of the Public Counsel represents the applicant, and neither will act as applicant's attorney nor give substantive advice to the applicant. The Office of the Public Counsel and Staff will try to answer any questions an applicant may have about Commission procedure. The applicant should also be aware that if any pleading or

correspondence is to be filed with the Commission, a copy of that document must be sent to all the other parties.

Other parties may request information from the applicant through the Commission discovery procedure, which is similar to what is allowed in court cases. The purpose of discovery is to find out generally what evidence a party intends to present at a hearing, or what a party's witnesses may be expected to testify at a hearing. All parties, including the *pro se* applicant, may engage in discovery, in accordance with the Commission's rules.

If there are contested matters, the Commission will hold a hearing.

At the hearing, the *pro se* applicant can expect the following procedure: Each party will be allowed to make a brief opening statement. Then the applicant will present evidence. If applicants expect to take the stand to testify on their own behalf, they will have to testify in narrative form, since there will be no attorney to ask them questions. If the applicant intends to put a witness on the stand, applicant will have to ask nonleading, direct examination questions to elicit the witness's testimony.

All witnesses will be asked to give an oath or affirmation, and any witness may be questioned by the Commissioners or the Administrative Law Judge. All witnesses are subject to cross-examination by the other parties. All witnesses should have personal knowledge of the subject of their testimony. Applicants should bring to the hearing at least thirteen copies of any exhibit or document they intend to offer into evidence.

After the applicant has presented evidence, the other parties will be allowed to present their evidence. Then the parties will give their closing statements. Sometimes the Commission wishes to have briefs instead of closing statement. This is unlikely in the

typical change of supplier case, but if briefs are requested the procedure will be explained at the time of the hearing.

In applications for change of electric suppliers, the Commission considers a number of factors in making its decision, including, but not limited to the following:

1. Whether the customer's needs can be adequately met by the present supplier with respect to either the amount or quality of the power;
2. Whether there are health or safety issues involving the amount or quality of power;
3. What alternatives the customer has considered, including alternatives with the present supplier;
4. Whether the customer's equipment has been damaged or destroyed as a result of a problem with the electric supply;
5. The effect the loss of the customer would have on the present supplier;
6. Whether a change in supplier would result in a duplication of service or facilities, especially in comparison with alternatives available from the present supplier, a comparison which could include: (a) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements; and (b) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;
7. The overall burden on the customer caused by the inadequate service, including any economic burden not related to the cost of the electricity itself, and any burden not considered with respect to factor 6(b) above;

8. What efforts have been made by the present supplier to solve or mitigate the problem;
9. The impact the Commission's decision may have on economic development, on an individual or cumulative basis; and
10. The effect the granting of authority for a change of suppliers might have on any territorial agreements between the two suppliers in question, or on the negotiation of territorial agreements between the suppliers.

The applicant should try to address these factors when presenting testimony at the hearing.

OZARK ELECTRIC

James River District Office
PO Box 1050, Hwy. AA
Nixa, MO 65714

Cooperative, Inc.

November 19, 2019

Mr. James Hasting
303 Highland Ave
Monett, MO 65708

RE: Change of Electric
Service Provider

Dear Mr. Hasting,

The field technician in your area advised that you cancelled an appointment for a service consultation and requested the City of Monett build to your property. We are disappointed that Ozark did not get the opportunity to serve your new structure at this address as it is within your rights to do so.

Ozark Electric, however, has the legal right to maintain its existing service to the well structure under the laws of the State of Missouri. Under the Code of State Regulations, the Cooperative is governed by the Missouri Public Service Commission (PSC) for two things, safety and change of electric service provider.

Under the law, a member must request a "Change of Electric Service Provider" from the PSC in order to switch a service from one utility to another. This law is to protect utilities and the public from duplication of facilities and sunken costs associated with such.

Enclosed is the "Application For Change Of Electric Service Provider" form that you must submit to the PSC and obtain approval for prior to switching the well service to the City of Monett. All parties involved will have to agree to the switch before it will be approved. Ozark Electric service to the well will remain unless a change is approved by the PSC.

If you have any questions, please advise.

Sincerely,



Kenneth M. Raming, P.E.
Division Manager of Engineering

CC: FILE

Mr. Skip Schaller, City of Monett
Mr. Alan Bax, PSC

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 12th day of December 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 12, 2019

File/Case No. EO-2020-0163

**Missouri Public Service
Commission**

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P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

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Denise Haston

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7 East Broadway
Monett, MO 65708

James Haston

James Haston
7 East Broadway
Monett, MO 65708

Monett City Utilities

Legal Department
217 5th
Monett, MO 65708

Ozark Electric Cooperative, Inc.

Legal Department
Highway 39 N.
P.O. Box 420
Mt. Vernon, MO 65712

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.