

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Joint Application)	
of The Empire District Electric Company)	
and White River Valley Electric)	
Cooperative for Approval of a Second)	Case No. _____
Addendum to the Parties' Second)	
Territorial Agreement Designating)	
Service for a Lot Located in Taney County,)	
Missouri.)	

JOINT MOTION FOR APPROVAL OF SECOND ADDENDUM

COME NOW The Empire District Electric Company ("Empire") and White River Valley Electric Cooperative ("White River"), hereinafter referred to collectively as "Movants," by and through their respective counsel, and for their Joint Motion to the Missouri Public Service Commission ("Commission"), pursuant to the terms of the Second Territorial Agreement, for an order approving Movants' Second Addendum to Second Territorial Agreement ("Second Addendum" or "Addendum"), respectfully state as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri, 64801. Empire is engaged in the business of providing electrical and water utility services in Missouri to customers in its service areas and has a certificate of service authority to provide certain telecommunications services. Empire is an "electrical corporation," a "water corporation," a "telecommunications company" and a "public utility," all as defined in RSMo. §386.020, and Empire is subject to the jurisdiction and supervision of the Commission as provided by law. Empire has a wholly owned subsidiary that is a "gas corporation." Other than complaint cases on file with the Commission and appellate

cases to which the Commission is a party, Empire has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this Application. Empire has no overdue Commission annual reports or assessment fees. Empire's documents of incorporation have been previously filed with the Commission in Case No. EF-94-39 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G). A Certificate of Authority from the Missouri Secretary of State to the effect that Empire, a foreign corporation, is duly authorized to do business in the State of Missouri was filed with the Commission in Case No. EM-2000-369 and is incorporated herein by reference.

2. White River is a rural electric cooperative organized and existing pursuant to the laws of the State of Missouri and has its principal office on East Highway 76, Branson, Missouri. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within certain Missouri Counties. White River has no pending or final judgments or decisions against it from any state or federal agency or court which involve its customer service or rates within the three years immediately preceding the filing of this Application. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for White River was filed in Commission Case No. EO-2004-0246 and is incorporated herein by reference.

3. Correspondence and Communication - Correspondence, communications, and orders in regard to this Motion should be directed to:

Dean L. Cooper
Brydon, Swearngen & England, P .C.

312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
573-635-7166 (telephone)
573-635-3847 (fax)
dcooper@brydonlaw.com

Christaan D. Horton
Neale & Newman, LLP
1949 E. Sunshine, Suite 1-130
Springfield, MO 65808-0327
417-882-9090 ext. 3036
417-882-2529 (fax)
chorton@nnlaw.com

4. The Territorial Agreement - Subject to the terms and conditions of an Agreement, known as the "Second Territorial Agreement" between Empire and White River, Movants have specifically designated the boundaries of certain exclusive electric service areas within Taney County, Missouri, which Agreement was executed by the parties hereto on April 11, 1995, and was approved by the Commission on March 19, 1996. Movants have attached a copy of the Second Territorial Agreement, in its form as approved by the Commission, to this Motion as **Appendix A**, which is incorporated by reference and made a part hereof for all purposes.

5. Boundary Structures - Paragraph 5C of the Agreement (p. 4) addresses agreements to vary the boundaries of the Territorial Agreement on a cases by case basis for "boundary structures." This Motion is filed in accordance with that provision.

6. Addendum - Attached to this Motion is a copy of the Second Addendum to the Second Territorial Agreement. The Addendum is marked **Appendix B** and is incorporated by reference and made a part hereof for all purposes. A map showing the new structure subject to the Addendum was made a part of the Addendum.

7. Customer Statement - In compliance with the provisions of the Second

Territorial Agreement relating hereto, the parties have further attached as **Appendix C** the Affidavit of Jose Luis Nunez, owner of the new structure with which this Motion is concerned. For the reasons set forth therein and below, the parties' Second Addendum proposes to establish White River as the exclusive provider of electrical service to Lot 313, Lake Taneycomo Acres, located at 313 Macbeth, Branson, Missouri 65616 ("Lot 313" hereafter), despite said lot being located within the service territory of Empire as defined within the Second Territorial Agreement.

8. No Change of Suppliers - The proposed Second Addendum does not require transfer of any facilities or customers between the Movants, so no list of persons whose utility service would be changed by the Addendum is included.

9. Authority – There are no proposed changes to Empire's certification.

10. Other Electric Suppliers - To Movants' knowledge and belief, there are no other electric suppliers serving in the area in which Lot 313 is located.

11. Addendum is in the Public Interest – Lot 313 is situated in Empire's service territory. However, because Lot 313 would require Empire to build over difficult terrain, which would pose hazards in construction and future maintenance, because Empire was unable to obtain right of way from neighboring lots to extend their distribution lines, and finally, because White River has existing electrical facilities positioned adjacent to the lot, requiring only a service drop from an existing transformer to establish service, it is in the public interest to allow White River to serve Lot 313 as this is the safest and most efficient means of providing service to Lot 313, despite its location within Empire's service territory.

12. Service Responsibilities - Each Applicant will continue to have service

responsibilities beyond the terms of the Second Addendum unaffected thereby.

13. Application Fee - Pursuant to the terms of the Second Territorial Agreement, as approved by the Commission, there is no filing fee required for submission of this Joint Motion.

WHEREFORE, Movants respectfully request that the Commission issue its order approving the Movants' Second Addendum to Second Territorial Agreement.

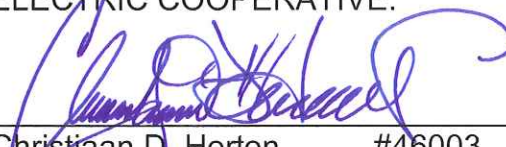
Respectfully submitted,

ATTORNEYS FOR THE EMPIRE
DISTRICT ELECTRIC COMPANY:



Dean L. Cooper #36592
Brydon, Swearengen & England P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
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ATTORNEYS FOR WHITE RIVER VALLEY
ELECTRIC COOPERATIVE:



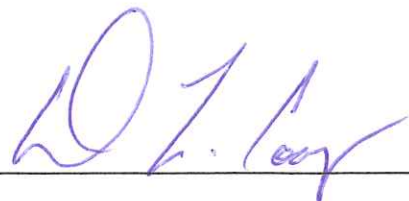
Christiaan D. Horton #46003
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on MAY 29, 2009, to the following:

Kevin Thompson
Office of the General Counsel
Governor Office Building, 8th Floor
Jefferson City, Mo 65101
Kevin.thompson@psc.mo.gov

Lewis Mills
Office of the Public Counsel
Governor Office Building, 6th Floor
Jefferson City, MO 65101
lewis.mills@ded.mo.gov

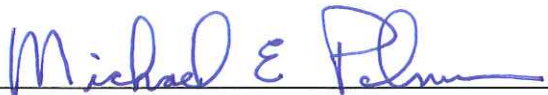


A handwritten signature in blue ink, appearing to read "L. Mills", is written over a horizontal line.

VERIFICATION

STATE OF MISSOURI)
) ss
COUNTY OF JASPER)

Being first duly sworn, Michael E. Palmer states as follows: that he is the Vice President – Commercial Operations of The Empire District Electric Company and that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that the law firm of Brydon, Swearingen & England P.C. is authorized by The Empire District Electric Company to make this filing and represent the Company in this matter.

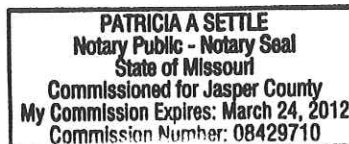


Michael E. Palmer

Subscribed and sworn to before me this 26th day of May, 2009.



Notary Public



VERIFICATION

STATE OF MISSOURI)
) ss
COUNTY OF TANEY)

Being first duly sworn, Pat Funk states as follows: that he is the President of White River Valley Electric Cooperative and that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that the law firm of Neale & Newman, LLP, is authorized by White River Valley Electric Cooperative to make this filing and represent it in this matter.

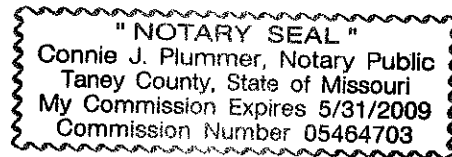


Pat Funk, President

Subscribed and sworn to before me this 7 day of May, 2009.



Notary Public



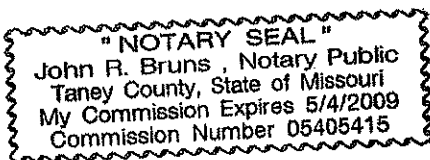
CONSENT

STATE OF MISSOURI)
)ss
COUNTY OF TANEY)

I, Jose Luis Nunez, state that I am the owner of "Lot 313, Lake Taneycomo Acres," located at 416 Macbeth, Branson, Missouri 65616. By my signature below, I hereby consent and agree to receive electric utility service at the above address from WHITE RIVER VALLEY ELECTRIC COOPERATIVE.

Jose Luis Nunez

Subscribed and sworn to before me this 20th day of April, 2009.



John R. Bruns
John R. Bruns, Notary Public