

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

In the Matter of the Application	)	
Of Laclede Electric Cooperative	)	
And the City of St. Robert, Missouri for	)	
Approval of a Written Territorial Agreement	)	Case No.
Designating the Boundaries of each	)	
Electric Service Supplier within the	)	
Woodland Hills Redevelopment Area of the City	)	
Of St. Robert, Pulaski County, Missouri.	)	

**JOINT APPLICATION**

COME NOW Laclede Electric Cooperative ("Laclede") and the City of St. Robert, Missouri ("St. Robert"), hereinafter referred to collectively as "Applicants," by and through their respective counsel, and for their Joint Application to the Missouri Public Service Commission ("Commission"), pursuant to 4 CSR 240-2.060(1) and (13), 4 CSR 240-21.010, and Sections 394.312 and 416.041 RSMo. (2000), for an order approving Applicants' third Territorial Agreement, respectfully state as follows:

1.     **The Applicants** – Laclede is a Chapter 394 Cooperative corporation organized and existing under the laws of Missouri and has its principal office located in Lebanon, Missouri. It is engaged in the sale and distribution of electricity in portions of Missouri, including in and around the City of St. Robert in Pulaski County. Laclede has no pending or final judgments or decisions against it from any state or federal agency or court which involve customer service or rates within the three years immediately preceding the filing of this Joint Application.

2.     St. Robert is a political subdivision of the 4<sup>th</sup> Class organized and existing under the laws of Missouri and has its principal office at 194 Eastlawn Ave., P.O. Box 1156, St. Robert, Missouri, 65584. It owns, operates and maintains an electric distribution system within its corporate limits to serve the residents and inhabitants of the city.

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

For St. Robert  
Kevin Hillman  
City Attorney  
City of St. Robert  
194 Eastlawn Ave., Suite A  
St. Robert, MO 65584  
573-451-2000  
573-336-5714 (fax)  
khillman@saintrobert.com

For Laclede  
Mr. Rodric A. Widger  
Andereck, Evans, Milne,  
Widger & Johnson, L.L.C.  
3816 S. Greystone Court, Suite B  
Springfield, MO 65804  
417-864-6401  
417-864-4967 (fax)  
rwidger@lawofficemo.com

Mr. George Sanders  
Mayor  
City of St. Robert  
194 Eastlawn Ave., Suite A  
St. Robert, MO 65584

Mr. Ken Miller  
Manager  
Laclede Cooperative  
1400 E. Route 66, P.O. Box M  
Lebanon, MO 65536

4. **The Territorial Agreement** - Subject to the terms and conditions of an Agreement, known as the "Territorial Agreement" between Laclede and St. Robert, Applicants have specifically designated the boundaries of the exclusive electric service area of Laclede for service to new structures in a portion of the Woodland Hills Redevelopment Area of St. Robert, Missouri, which is more particularly described in the Agreement. Applicants have attached a copy of the Agreement to this Application as **Appendix A**, which is incorporated by reference into this Application and made a part hereof for all purposes. A metes and bounds description of the exclusive service area is part of the Agreement and is incorporated by reference into this Application and made part hereof for all purposes. The Territorial Agreement only establishes additional exclusive service territory for Laclede in a development tract. It does not require transfer of any facilities or customers between the Applicants, so no list of all persons whose utility service would be changed by the agreement, as required by 4 CSR 240-2.060(13) is included.

5. **Articles of Incorporation** – A certified copy of Cooperative's Articles of Incorporation and Certificate of Incorporation from the Secretary of State were filed in Case No. EO-2005-0391 and are herein incorporated by reference and made a part hereof for all purposes. The City of St. Robert, Missouri, is a political subdivision of the State of Missouri incorporated in 1953.

6. **Authority to Serve in Proposed Areas** - Laclede has statutory franchise authority in the areas it proposes to serve.

7. **Other Electric Suppliers** – To Applicants' knowledge and belief there are no other electric suppliers serving in the immediate area covered by this Territorial Agreement.

8. **Agreement is in the Public Interest** - The Territorial Agreement is in the public interest because it establishes exclusive service obligations for new structures as between the Joint Applicants in the described area. The establishment of this exclusive service territory for Laclede within the corporate limits of St. Robert will prevent future duplication of electric service facilities and will also allow electric service customers within the area to know with certainty the supplier of their electric service. It makes most effective use of past investment in substation and distribution facilities by Laclede while avoiding the necessity of duplicate investment by St. Robert. Neither party is subject to the jurisdiction of the Commission for purposes of certificate authority or for rate regulation.

9. **Scope of Agreement** - Each Applicant will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Agreement.

10. **Application Fee** - The Commission's fee required by 4 CSR 240-21.010 is submitted herewith by separate mail service.

WHEREFORE, Applicants respectfully request that the Public Service Commission of Missouri issue its order:

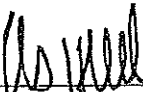
(a) Finding that the designation of electric service area is not detrimental to the public interest and approving the Applicants' Territorial Agreement;

(b) Authorizing Applicants to perform in accordance with the terms and conditions of the Agreement, Appendix A to this Joint Application.

Respectfully submitted,

CITY ATTORNEY

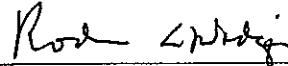
By



Kevin Hillman, Mo. Bar #58059  
City Attorney  
City of St. Robert  
194 Eastlawn Ave., Suite A  
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573-451-2000  
573-336-5714 (fax)  
khillman@saintrobert.com

ANDERECK, EVANS, MILNE, WIDGER  
& JOHNSON, LLC

By



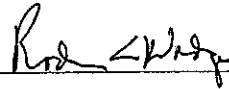
Mr. Rodric A. Widger, Mo. Bar #31458  
Andereck, Evans, Milne,  
Widger & Johnson, L.L.C.  
3816 S. Greystone Court, Suite B  
Springfield, MO 65804  
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ATTORNEY FOR THE  
CITY OF ST. ROBERT, MISSOURI

ATTORNEYS FOR LACLEDE  
ELECTRIC COOPERATIVE

#### Certificate of Service

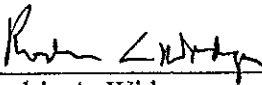
The undersigned certifies that a true and correct copy of the foregoing application was served by mail delivery this 26<sup>th</sup> day of OCTOBER, 2009, upon the Office of the Public Counsel and the Office of the General Counsel.



VERIFICATION

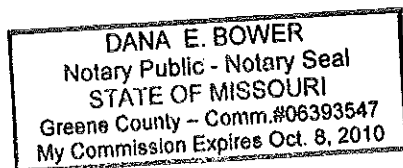
STATE OF MISSOURI     )  
                                  ) SS  
COUNTY OF GREENE     )

On the 21<sup>st</sup> day of October, 2009, before me appeared Rodric A. Widger, to me personally known, who being by me first duly sworn, states that he is the attorney for Laclede Cooperative and is authorized to file this application with the Missouri Public Service Commission and to execute the Application and this Verification on Laclede Electric Cooperative's behalf, and acknowledged that he has read the Joint Application of the City of St. Robert, Missouri and Laclede Electric Cooperative for Approval of a Territorial Agreement and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

  
Rodric A. Widger

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date first written above.

  
Notary Public



VERIFICATION

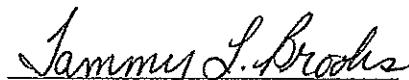
STATE OF MISSOURI     )  
                                  ) SS  
COUNTY OF PULASKI    )

On the 23<sup>rd</sup> day of October, 2009, before me appeared Kevin Hillman, to me personally known, who being by me first duly sworn, states that he is the attorney for the City of St. Robert, Missouri, and is authorized to file this application with the Missouri Public Service Commission and to execute the Application and this Verification on the City of St. Robert, Missouri's behalf, and acknowledged that he has read the Joint Application of the City of St. Robert, Missouri and Laclede Electric Cooperative for Approval of a Territorial Agreement and that the facts stated therein are true and correct to the best of his knowledge, information and belief.



Kevin Hillman

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date first written above.

  
Notary Public