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November 7, 2003

FILED

NOV 9 7 2003

Secretary/Chief Administrative Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Missouri Public  
Service Commission

**Re: In the Matter of the Application of Gascosage Electric Cooperative and  
Three Rivers Electric Cooperative for Approval of a Written Territorial Agreement**

Dear Secretary:

Enclosed for filing please find an original and eight (8) copies of the Joint Application of Gascosage Electric Cooperative and Three Rivers Electric Cooperative for Approval of a Written Territorial Agreement designating the boundaries of each electric service supplier with Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties.

Thank you for seeing this filed.

Sincerely,

  
Lisa Cole Chase

LCC

enclosure

CC: General Counsel, PSC  
General Counsel, OPC

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816-532-3895  
Fax 816-532-3899

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

**FILED**  
NOV 07 2003

Missouri Public  
Service Commission

In the Matter of the Application	)	
of Gascosage Electric Cooperative	)	
and Three Rivers Electric Cooperative	)	
for Approval of a Written	)	
Territorial Agreement Designating	)	Case No.
the Boundaries of Each Electric	)	
Service Supplier within Camden, Cole,	)	
Franklin, Gasconade, Maries, Miller, Moniteau,	)	
Osage, Phelps, and Pulaski Counties, Missouri.	)	

**JOINT APPLICATION**

COMES NOW Gascosage Electric Cooperative and Three Rivers Electric Cooperative hereinafter referred to collectively as "Applicants", and for their Joint Application to the Missouri Public Service Commission ("Commission"), pursuant to Section 394.312 (2000) for an order, within 120 days of the filing of this Application, approving Applicants' Territorial Agreement, state as follows:

1.     **The Applicants - Gascosage Electric Cooperative** is a corporation organized and existing under the laws of Missouri and has its principal office at Highway 28, Drawer G, Dixon, Missouri 65459. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within Camden, Maries, Miller, Phelps & Pulaski counties, Missouri.

**Three Rivers Electric Cooperative** is a corporation organized and existing under the laws of Missouri and has its principal office at 1324 East Main, P.O. Box 918, Linn, Missouri 65051. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within Cole, Franklin, Gasconade, Maries, Miller, Moniteau, and Osage counties, Missouri.

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

**For Gascosage Electric Cooperative**

Mr. John Greenlee, Manager  
Gascosage Electric Cooperative  
Hwy. 28, Drawer G  
Dixon, Missouri 65459  
Telephone: (573) 759-7146  
Facsimile: (573) 759-6020  
Email: greenlee@yhti.net

**For Three Rivers Electric Cooperative**

Mr. Walt Ryan, Manager  
Three Rivers Electric Cooperative  
1324 East Main, P.O. Box 918  
Linn, Missouri 65051  
Telephone: (573) 897-2251  
Email:  
WRyan@threeriverselectric.com

**For Either Cooperative**

Mr. Victor S. Scott  
Lisa Cole Chase  
Andereck, Evans, Milne, Peace  
& Johnson L.L.C.  
700 East Capitol Avenue  
P.O. Box 1438  
Jefferson City, MO 65102-1438  
Telephone: (573) 634-3422  
Facsimile: (573) 634-7822  
Email: VScott@aempb.com  
Email: lisachase@aempb.com

3.      **The Territorial Agreement** - Subject to the terms and conditions of an Agreement, known as a "Territorial Agreement" between Gascosage Electric Cooperative and Three Rivers Electric Cooperative, applicants have specifically designated the boundaries of the exclusive electric service area of each electric service supplier for service of new structures in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps, and Pulaski Counties, which are more particularly described in the Territorial Agreement. Applicants have

attached a copy of the Agreement to this Application as **Exhibit A**, which is incorporated by reference into this Application and made a part hereof for all purposes.

Pursuant to 4 CSR 240-3.130(1)(A), metes and bounds descriptions of the exclusive service areas of Applicants and maps depicting those service areas are part of **Exhibit A** and are incorporated by reference into this Application and made part hereof for all purposes.

The Territorial Agreement only establishes exclusive service territories for the Applicants; it does not require transfer of any facilities or customers between the Applicants, thus there are no persons whose utility service would be changed by the agreement. 4 CSR 240-3.130(1)(D).

4. **Resolutions of Cooperative's Boards of Directors** – Certified copies of the resolutions of the Boards of Directors of each Applicant authorizing the consummation of the transaction contemplated by this Joint Action are attached hereto as **Exhibits B and C** and incorporated herein by reference and made a part hereof for all purposes.

5. **Articles of Incorporation** – A certified copy of the Articles of Incorporation of Gascosage Electric Cooperative is attached hereto as **Exhibit D**, along with a Certificate of Good Standing from the secretary of state. A certified copy of the Articles of Incorporation of Three Rivers Electric Cooperative is attached hereto as **Exhibit E**, along with a Certificate of Good Standing from the secretary of state.

6. **Other Electric Suppliers** - The following is a list of other Rural Electric Cooperatives which serve in the territory covered by the Territorial Agreement:

Intercounty Electric Cooperative

Laclede Electric Cooperative

CO-MO Electric Cooperative

In addition, Herman, Newberg, Owensville, Richland, Rolla, St. James, and Waynesville operate municipal electric supply systems within the area covered by the Territorial Agreement.

**7. Agreement Is in the Public Interest** – Pursuant to 4 CSR 240-3.130(1)(C),

Applicants state the Territorial Agreement is in the public interest because it establishes exclusive service territories for new structures for the two electric suppliers. There is very little duplication of electric service facilities between the electric suppliers at this time. The establishment of exclusive service territories will prevent future duplication of electric service facilities, guarding economic efficiencies and benefiting the public safety and aesthetics of the community.

This Agreement will also allow electric service customers to know with certainty the supplier of their electric service.

**8. Other Finding and Orders Required by the Commission** - Each Applicant will still have occasion to construct, operate and maintain facilities in the electric service territory of the other as described in the Territorial Agreement. Each Applicant will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Agreement. Each Applicant will have the right to serve existing customers within the electric service area of the other for the indefinite future. In general, Applicants will need the authority to construct, operate and maintain facilities through the electric service area of the other.


**Application Fee** - The Commission's fee required by 4 CSR 240-3.130(1)(E) and 4 CSR 240-3.135(1) is submitted herewith.

**Pending Actions** – Neither Gascosage Electric Cooperative nor Three Rivers Electric Cooperative have any pending actions or final unsatisfied judgments or decisions against them from any state or federal agency or court which involve customer service or rates.

**Annual Report/Assessments** - Neither Gascosage Electric Cooperative nor Three Rivers Electric Cooperative have annual reports or assessment fees that are overdue.

**WHEREFORE**, Applicants respectfully request that the Public Service Commission of Missouri issue its order (a) Finding the designated electric service areas to be not detrimental to the public interest and approving the Territorial Agreement; and (b) Authorizing Applicants to perform in accordance with the terms and conditions of the Agreement, Exhibit A to the Joint Application.

**ANDERECK, EVANS, MILNE,  
PEACE & JOHNSON L.L.C.**

By 

Victor S. Scott, Mo. Bar No.42963  
Lisa Cole Chase, Mo. Bar No. 51502  
700 East Capitol Avenue  
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Telephone: (573) 634-3422  
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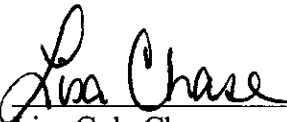
**ATTORNEYS FOR GASCOSAGE AND  
THREE RIVERS ELECTRIC  
COOPERATIVES**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served on all Parties of Record, via first-class U.S. Mail, postage prepaid, on this 7<sup>th</sup> day of November, 2003.

General Counsel  
Office of the Public Counsel  
P.O. Box 7800  
200 Madison Street – Suite 640  
Jefferson City, Missouri 65102


General Counsel  
Missouri Public Service Comm'n  
P.O. Box 360  
200 Madison Street – Suite 800  
Jefferson City, Missouri 65102

  
\_\_\_\_\_  
Lisa Cole Chase

VERIFICATION

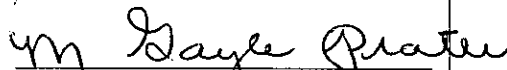
STATE OF MISSOURI     )  
                                  ) SS  
COUNTY OF PULASKI    )

On the 29 day of August, 2003, before me appeared John W. Greenlee, to me personally known, who being by me first duly sworn, states that he is the Manager of Gascosage Electric Cooperative, and acknowledged that he has read the Joint Application of Gascosage Electric Cooperative and Three Rivers 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.

  
John W. Greenlee

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




  
Notary Public



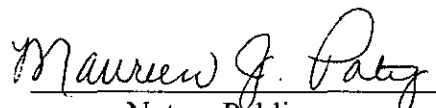
VERIFICATION

STATE OF MISSOURI     )  
                                      ) SS  
COUNTY OF OSAGE     )

On the 26 day of Aug, 2003, before me appeared Walt Ryan, to me personally known, who being by me first duly sworn, states that he is the Manager of Three Rivers Electric Cooperative, and acknowledged that he has read the Joint Application of GascoSage Electric Cooperative and Three Rivers 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.

  
Walt Ryan  
WALTER R. RYAN

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

  
Notary Public

