

Ameren Services

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May 23, 2000

FILED

MAY 24 2000

Dale Hardy Roberts  
Secretary / Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Missouri Public  
Service Commission

Dear Mr. Roberts:

E0-2000-774



**Re: JOINT APPLICATION OF UNION ELECTRIC COMPANY AND  
INTERCOUNTY ELECTRIC COOPERATIVE ASSOCIATION**

Enclosed for filing are an original and 8 copies of the *Joint Application of Union Electric Company and Intercounty Electric Cooperative Association for Approval of a Territorial Agreement*.

Also enclosed is a check in the amount of two hundred fifty dollars (\$250.00) to cover the filing fee for the application.

Please acknowledge receipt of this filing, by stamping as filed, a copy of this letter and returning it to the undersigned in the enclosed, self-addressed envelope.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William B. Bobnar".

William B. Bobnar  
Associate General Counsel

Enclosures

cc: *Office of the Public Counsel*  
P.O. Box 7800  
Jefferson City, Missouri 65102

*William E. Gladden, Esq.*  
P.O. Box 217  
Houston, Missouri 65483

*Vernon W. Strickland*  
General Manager  
Intercounty Electric Cooperative Assoc.  
P.O. Box 209  
Licking, Missouri 65542-0209

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

**FILED**

MAY 24 2000

In the Matter of the Application of Union Electric )  
Company d/b/a AmerenUE and Intercounty )  
Electric Cooperative Association for Approval of )  
a Written Territorial Agreement Designating the )  
Boundaries of Each Electric Service Supplier within )  
Portions of Gasconade, Maries and Phelps Counties, )  
in Missouri. )

Missouri Public  
Service Commission

Case No. E0-2000-774

**JOINT APPLICATION**

**COME NOW**, Union Electric Company d/b/a AmerenUE ("AmerenUE") and Intercounty Electric Cooperative Association ("Intercounty"), hereinafter referred to collectively as "Applicants," and for their Joint Application to the Missouri Public Service Commission ("Commission"), pursuant to Section 394.312 RSMo. (1994), for an order, within 120 days of the filing of this Application, approving Applicants' Territorial Agreement, state as follows:

1.     **The Applicants** - AmerenUE is a corporation, organized and existing under the laws of the State of Missouri, and has its principal office at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. It is an electrical corporation, subject to the jurisdiction of the Commission, engaged in the sale and distribution of electricity in portions of Missouri, including Gasconade, Maries, and Phelps Counties.

Intercounty is a corporation, organized and existing under the laws of the State of Missouri, and has its principal office at 102 Maple Avenue, Licking, Missouri 65542. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within Dent, Gasconade, Maries, Phelps, Shannon and Texas Counties in Missouri.

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

**For AmerenUE**

Mr. William B. Bobnar, Esq.  
AmerenUE  
One Ameren Plaza  
1901 Chouteau Avenue  
P.O. Box 66149 (MC 1310)  
St. Louis, MO 63166-6149  
(314) 554-3148  
(314) 554-4014 (fax)

Mr. Larry Merry  
District Manager  
Union Electric Company  
101 Madison St.  
P.O. Box 780  
Jefferson City, MO 65101

**For Intercounty**

Mr. William E. Gladden, Esq.  
P. O. Box 217  
Houston, MO 65483  
(417) 967-3520  
(417) 967-4252 (fax)

Mr. Vernon W. Strickland  
General Manager  
Intercounty Electric Cooperative  
P.O. Box 209  
Licking, MO 65542

*same one  
417/967-4252  
email  
wgladden  
@  
fidnet.com*

3. **The Territorial Agreement** - Subject to the terms and conditions of an agreement, known as a "Territorial Agreement" between AmerenUE and Intercounty, Applicants have specifically designated the boundaries of the exclusive electric service areas of each electric service supplier for service of new structures in Gasconade, Maries and Phelps Counties, which are more particularly described in the Territorial Agreement. Applicants have attached a copy of the Territorial Agreement to this Application as Exhibit A, which is incorporated by reference into this Application and made a part hereof for all purposes.

Metes and bounds descriptions of the exclusive service areas of Applicants and maps depicting those service areas are part of Exhibit A, incorporated by reference into this Application and made a part hereof for all purposes.

The Territorial Agreement only establishes exclusive service areas for the

Applicants; it does not restrict in any way the operation of any other electric service provider or require transfer of any facilities or customers between the Applicants.

The case-by-case addendum term in the Territorial Agreement is identical to the language approved in Case No. EO-95-400.

4.     **Resolution of the Cooperative's Board of Directors** - A certified copy of the Resolution of the Board of Directors of Intercounty, authorizing the consummation of the transaction contemplated by this Joint Application, is attached hereto as Exhibit B, incorporated herein by reference and made a part hereof for all purposes.

5.     **Articles of Incorporation** - Certified copies of AmerenUE's Restated Articles of Incorporation and Certificate of Incorporation from the Secretary of State are already on file with the Commission (see Case No. EO-96-431). A certified copy of AmerenUE's registration of the fictitious name, AmerenUE, with the Secretary of State is also on file with the Commission (see Commission Case No. EO-99-267). Certified copies of Intercounty's Articles of Incorporation and Certificate of Corporate Good Standing from the Secretary of State are attached hereto as Exhibit C.

6.     **Judgments, Actions and Fees** - AmerenUE has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which judgments or decisions have occurred within three (3) years of the date of this Joint Application. By the nature of its business, AmerenUE has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates. AmerenUE has no annual report or assessment fees that are overdue to this Commission.

Intercounty also has no final unsatisfied judgments or decisions against it from

any state or federal agency or court that involve customer service or rates, which judgments or decisions have occurred within three (3) years of the date of this Joint Application. Further, Intercounty has no actions in state and federal agencies and courts involving customer service or rates. Intercounty has no annual report or assessment fees that are overdue to this Commission.

7. **Authority to Serve in Proposed Areas** - AmerenUE has a certificate of public convenience and necessity for the entire area it proposes to serve. Therefore, AmerenUE is not requesting any additions, deletions or changes to said certificate. Intercounty has statutory authority in the areas it proposes to serve.

8. **Illustrative Tariffs** – While AmerenUE has a certificate of convenience and necessity for the entire area it proposes to serve, illustrative tariffs, pursuant to 4 CSR 240-2.060(10)(G), are attached hereto as Exhibit D, which is made a part hereof for all purposes. The illustrative tariff for Maries County includes a note that reflects AmerenUE's right and obligation to serve customers in certain land sections limited by the terms of the Territorial Agreement. The illustrative tariff for Gasconade County has been updated to reflect only those sections in which AmerenUE is authorized to serve.

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

Crawford Electric Cooperative  
Laclede Electric Cooperative  
Gascosage Electric Cooperative  
Howell-Oregon Electric Cooperative  
Black River Electric Cooperative  
Se-Ma-No Electric Cooperative  
Three Rivers Electric Cooperative.

In addition, Rolla, Newburg, St. James, and St. Robert operate municipal electric supply systems

within the area covered by the Territorial Agreement.

10. **Agreement is in the Public Interest** - The Territorial Agreement is in the public interest because it establishes exclusive service territories for new structures for the Applicants. Presently, 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.

Because the Territorial Agreement only establishes exclusive service areas for the Applicants, it does not restrict in any way the operation of any other electric service providers. Because the Territorial Agreement does not require the transfer of any facilities or customers between the Applicants, no existing customers are impacted. Further, this Agreement will also allow future customers to know, with certainty, the supplier of their electric service.

11. **Other Findings 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 Territorial 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 throughout the electric service area of the other. In particular, AmerenUE requires a finding of the Commission that the Territorial Agreement will not impair the Company's certificates of public convenience and necessity, except as specifically limited by the Territorial Agreement.

12. **Application Fee** - The Commission's fee required by 4 CSR 240-21.010 is submitted herewith.

**WHEREFORE**, Applicants respectfully request that the Commission issue its Order:

(a) finding the designated electric service areas to be not detrimental to the public interest and approving the Territorial Agreement (Exhibit A to the Joint Application);

(b) authorizing Applicants to perform in accordance with the terms and conditions of the Territorial Agreement;

(c) finding that the Territorial Agreement shall not impair AmerenUE's certificates of convenience and necessity, except as specifically limited by the Agreement; and

(d) approving AmerenUE's change to its Tariffs as illustrated in Exhibit D.

UNION ELECTRIC COMPANY  
d/b/a AmerenUE

By William B. Bobnar

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ATTORNEY FOR AMEREN SERVICES CO.  
As Agent for UNION ELECTRIC COMPANY  
d/b/a AmerenUE

INTERCOUNTY ELECTRIC COOPERATIVE  
ASSOCIATION

By William E. Gladden

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ATTORNEY FOR INTERCOUNTY  
ELECTRIC COOPERATIVE  
ASSOCIATION