

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

In the Matter of the Application of Co-Mo	)	
Electric Cooperative for Approval of	)	File No. EO-2022-0332
Designated Service Boundaries Within	)	
Portions of Cooper County, Missouri.	)	
	)	
In the Matter of the Application of Co-Mo	)	
Electric Cooperative for Approval of	)	File No. EO-2022-0190
Designated Service Boundaries Within	)	
Portions of Cooper County, Missouri.	)	

**AMEREN MISSOURI’S REPLY TO PUBLIC COUNSEL’S RESPONSE  
TO PROPOSED TERRITORIAL AGREEMENT**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”) and for its response to Public Counsel’s (“OPC”) Response to Proposed Territorial Agreement (“OPC Response”), states as follows:

1. On multiple occasions in these cases, Ameren Missouri has addressed the question of whether individual notice to persons who own land within the territories allocated by the Territorial Agreement, but whose service to any existing structure on such land is not being changed, is necessary or even appropriate. Those prior filings establish that such notice is neither necessary nor appropriate, and indeed is not contemplated by, supported by, or authorized by the territorial agreement statute or the Commission’s rules governing territorial agreements. Nothing in OPC’s Response negates the points made in the Company’s prior filings on this topic – such notice should not be required.
2. OPC’s Response does reflect the first time that OPC has taken a position on the Territorial Agreement itself. To summarize, OPC’s position poses two options for the Commission: (A) either require the notice (which the Commission previously declined to do)<sup>1</sup> and approve the Territorial Agreement or, (B) don’t require the notice but also don’t approve the Territorial Agreement.

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<sup>1</sup> *Order Setting and Providing Notice of a Virtual Public Hearing*, File No. EO-2022-0332 (Where the Commission noted that OPC wanted the notice it now advocates for again to be required but declined to require the notice).

3. As just discussed, Ameren Missouri opposes requiring the notice on substantive, legal grounds, but also because of the practical “precedent” or expectation that requiring such a notice could set. Consequently, if the Commission were inclined to choose OPC’s option A, Ameren Missouri would prefer that the Commission simply decline to approve the Territorial Agreement. Given the unique circumstances of this case and the passage of time, i.e., given that the case started almost 11 months ago, that the subdivision developer has already started development, and that Co-Mo has proceeded to build new infrastructure, if the Commission did decline to approve the Territorial Agreement, the Company will not object to a Commission order allocating the Fox Hollow Subdivision to Co-Mo. That is not to say that would be the Company’s position in future cases brought under the recent statutory amendments to Section 384.800, but for this first and so-far only case under the statute, under the circumstances, the Company would rather step aside than have to provide notices in order to get the Territorial Agreement approved.

4. Having said that, Ameren Missouri stands by its prior statements to the Commission that the Territorial Agreement is in the public interest and that it should be approved. Put another way, the Commission should reject both OPC Option A and B and approve the agreement, as Staff recommends.

**WHEREFORE**, Ameren Missouri hereby replies to OPC’s Response.

Respectfully submitted,

*/s/ James B. Lowery*

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**ATTORNEYS FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 7th day of December, 2022, served the foregoing by e-mail to all counsel of record.

/s/James B. Lowery  
James B. Lowery