

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

In the Matter of the Application of The )  
Empire District Electric Company and )  
White River Valley Electric Cooperative )  
for Approval of a Written Territorial )  
Agreement Designating the Boundaries )  
of Exclusive Service Areas for Each )  
Applicant within the Missouri Counties )  
of Stone and Taney. )

Case No. \_\_\_\_\_

**JOINT APPLICATION**

COME NOW The Empire District Electric Company ("Empire") and White River Valley Electric Cooperative ("White River") (collectively, "Applicants"), by and through their respective counsel, and for their Joint Application to the Missouri Public Service Commission (the "Commission"), pursuant to 4 CSR 240-2.060, 4 CSR 240-3.130, and RSMo. §394.312 and §416.041, for an order approving Applicants' Territorial Agreement, respectfully state as follows:

**The Applicants**

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."

2. Empire has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or which involve challenges to its rates, which have occurred within the three years immediately preceding the filing of this Application. Empire has an ongoing rate case before the Commission identified as Case no. ER-2006-0315. 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.

3. 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 engaged in the distribution of electric energy and service to its members within certain Missouri Counties.

4. 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.

### Correspondence and Communication

5. Correspondence, communications, orders, and decisions in regard to this Application should be directed to:

Dean L. Cooper  
Diana C. Carter  
Brydon, Swearngen & England P.C.  
312 E. Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
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Facsimile: 573-636-6450

Christiaan D. Horton  
Neale & Newman, LLP  
1949 E. Sunshine, Suite 1-130  
Springfield, MO 65808-0327  
Telephone: 417-882-9090, ext. 3036  
Facsimile: 417-882-2529

### The Territorial Agreement

6. **The Service Areas.** Subject to the terms and conditions of the Fifth Territorial Agreement between White River Valley Electric Cooperative and The Empire District Electric Company (the "Agreement"), the Applicants have specifically designated the boundaries of two exclusive electric service areas within portions of Stone and Taney Counties in Southwest Missouri, which areas are more particularly described in Articles 3 and 4 of 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. As required by 4 CSR 240-3.130(1)(A), metes and bounds descriptions of the two exclusive service areas and maps depicting the service areas are a part of the Agreement and are incorporated by reference into this Application and made part hereof for all purposes (Exhibit A for

Empire and Exhibits B1-B6 for White River). The Agreement establishes separate exclusive service territories for Empire and White River for all "new structures" for more orderly future development of electric service to the public. Each Applicant will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Territorial Agreement.

7. **No Changes of Suppliers.** The Agreement does not require transfer of any facilities or customers between the Applicants, so no list of structures and persons whose utility service would be changed by the Agreement, as required by 4 CSR 240-3.130(1)(E), is included.

8. **Authority.** Empire already has a certificate of public convenience and necessity to provide utility service in the portions of the Missouri Counties of Stone and Taney which are the subject of the Agreement. As a result, Empire has not included with this Application an "illustrative tariff" reflecting proposed changes to its certification, as required by 4 CSR 240-3.130(1)(C), since there will be no changes in the present boundaries of its certificated area as a result of this proceeding.

9. **Other Electric Suppliers.** To Applicants' knowledge and belief there are no other electric suppliers serving in the areas covered by this Agreement.

10. **Public Interest.** The Agreement is not detrimental to the public interest and the proposed electric service area designations are in the public interest, because the Agreement establishes exclusive service obligations for new structures as between the Applicants in the described areas. The establishment of exclusive service territories will prevent future duplication of electric service facilities, will allow electric service customers within the areas to know with certainty the supplier of their electric service,

and will allow the Applicants to avail themselves of prior investment and planning for serving the public.

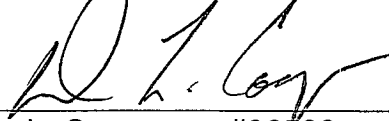
**Application Fee**

11. The Commission's filing fee required by 4 CSR 240-3.130(3) is submitted herewith. Pursuant to the Agreement, the Commission's filing fee is being split between the Applicants.

WHEREFORE, Applicants respectfully request that the Commission issue its report and order: (a) finding that the designation of electric service areas is not detrimental to the public interest and approving the Applicants' Territorial Agreement; and (b) authorizing Applicants to perform in accordance with the terms and conditions of the Agreement.

Respectfully submitted,

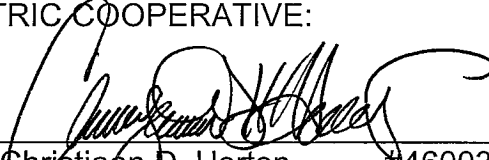
ATTORNEYS FOR THE EMPIRE  
DISTRICT ELECTRIC COMPANY:



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Dean L. Cooper #36592  
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ATTORNEYS FOR WHITE RIVER VALLEY  
ELECTRIC COOPERATIVE:



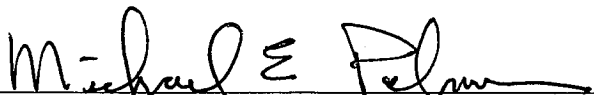
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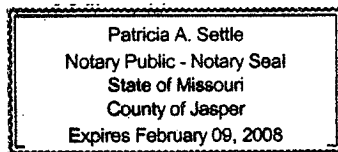
VERIFICATION


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 17<sup>th</sup> day of October, 2006.

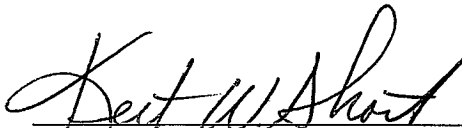


  
\_\_\_\_\_  
Notary Public

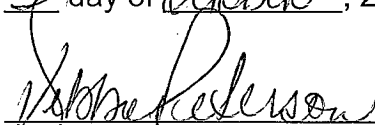
VERIFICATION

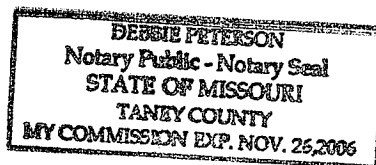
STATE OF MISSOURI     )  
                                  ) ss  
COUNTY OF TANEY     )

Being first duly sworn, Keet W. Short 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.

  
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Keet W. Short

Subscribed and sworn to before me this 5 day of October, 2006.

  
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Notary Public





**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing application was served by hand delivery this 18th day of October, 2006 upon the Office of the Public Counsel and the Office of the General Counsel.

Diana C. Carter