

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

In the Matter of the Application of The City        )  
of Butler and Osage Valley Electric                )  
Cooperative for Approval of a First Territorial    )  
Agreement Designating the Boundaries of         )    File No. EO-2023-0126  
Exclusive Service Areas Within Portions of        )  
Bates County.    )

**JOINT MOTION FOR LEAVE TO AMEND  
APPLICATION AND  
AMENDMENT TO THE APPLICATION**

COMES NOW Osage Valley Electric Cooperative (Cooperative) and the City of Butler (City), as their *Joint Motion for Leave to Amend Application and Amendment to the Application*, in accordance with 20 CSR 4240-2.080(18), states as follows to the Missouri Public Service Commission (Commission):

1. On October 5, 2022, Cooperative and City of Butler filed an *Application for Approval of a First Territorial Agreement* (“*Application*”) requesting approval of a Territorial Agreement designating the boundaries of exclusive service areas within portions of Bates County, Missouri.

**MOTION FOR LEAVE**

2. The *Application*, among other things, included as Exhibit 1 to the Territorial Agreement, a map of the exclusive service area of City and as Exhibit 4 to the Territorial Agreement, a map of the exclusive service area of Cooperative. After discussion, with Public Counsel, Cooperative and City believe that the Cooperative’s service area map should be modified to include a parcel that is currently served by Osage Valley which is inside the city limits of the City of Butler and subsequently that the City’s service area map should be modified to exclude said parcel. Accordingly, by this pleading, Cooperative and City seek the Commission’s leave to amend their *Application* to include this issue as described herein.

3. Commission Rule 20 CSR 4240-2.080(18) provides, in part, that a pleading may be amended at any time by leave of the Commission. Cooperative and City believe that a grant of the requested leave will not prejudice the parties and will aid in the efficient processing of this *Application*.

**AMENDMENT TO THE APPLICATION**

4. Cooperative and City provide the attached **Exhibit 1 – Amended** and **Exhibit 4 - Amended** and ask that the Commission consider this to replace and amend Exhibits 1 and 4 to the Territorial Agreement.

**WHEREFORE**, Cooperative and City request the Commission issue its order granting Cooperative and City's motion for leave to amend their *Application* and consider the *Application* amended as stated herein.

Respectfully submitted,

ATTORNEYS FOR OSAGE VALLEY  
ELECTRIC COOPERATIVE:

/s/ Megan E. McCord  
Megan E. McCord #62037  
Friel, McCord & Smiley, LLC  
P.O. Box 14287  
Springfield, MO 65814  
Telephone: 417-227-8405  
Email: mmccord@reclawfirm.com

ATTORNEYS FOR THE CITY:

/s/ Anthony Hernandez  
Anthony Hernandez, # 69129  
Lauber Municipal Law, LLC  
250 NE Tudor Road  
Lee's Summit, Missouri 64086  
Telephone: (816) 525-7881  
Email: Ahernandez@laubermunicipal.com

## CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on November 30, 2022, to the following:

Office of the Public Counsel  
Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, Missouri 65102  
opcservice@ded.mo.gov

Missouri Public Service Commission  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, Missouri 65102  
staffcounsel@psc.mo.gov

/s/ Megan E. McCord  
Megan E. McCord