

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

In the Matter of the 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 within Camden, Cole, Franklin, Gasconade,)
Maries, Miller, Moniteau, Osage, Phelps, and Pulaski)
Counties, Missouri.)

Case No. EO-2005-0122

VERIFIED APPLICATION TO INTERVENE

COMES NOW, Union Electric Company d/b/a AmerenUE (“Company”), a Missouri corporation, and respectfully applies to the Missouri Public Service Commission (the “Commission”) for permission to intervene in this proceeding pursuant to 4 CSR 240-2.075. In support of this application, Company states as follows:

1. Company is a corporation organized and existing under the laws of the State of Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. Company is an electrical corporation subject to the jurisdiction of the Commission and engaged in the sale and distribution of electricity in portions of Missouri, including many of the counties cited in the joint application for this proceeding.

2. Correspondence, communications, orders and decisions in regard to this application should be directed to:

Mr. William B. Bobnar
Associate General Counsel
Ameren Services Company
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
P.O. Box 1558
Jefferson City, MO 65102-1558

3. Case No. EO-2005-0122 involves a joint application by Gascosage Electric Cooperative (“Gascosage”) and Three Rivers Electric Cooperative (“Three Rivers”) for Commission approval a proposed electric territorial agreement (“Territorial Agreement”), which designates the exclusive service areas of each supplier for new customers in 10 Missouri counties (Camden, Franklin, Cole, Maries, Gasconade, Miller, Moniteau, Osage, Phelps and Pulaski).

4. Company has an interest in this case different from the general public. Company is engaged in the sale and distribution of electricity in portions of Missouri, including many of the counties cited in the application for this proceeding. Section 4 of the Territorial Agreement sets forth the exclusive service area of Three Rivers under the Territorial Agreement and states “Three Rivers may serve within municipalities that are located in the Three Rivers Exclusive Service Area, pursuant to this Agreement.” While Company has included language similar to that cited above in territorial agreements with rural electric cooperatives, this language is problematic in an agreement between two rural electric cooperatives. The ability of rural electric cooperatives to serve municipalities is strictly limited by Missouri Law. Rural electric

cooperatives may serve in rural areas¹ pursuant to Section 394.080.2 RSMo (2000), in cities, towns, and villages having populations in excess of 1500 inhabitants in accordance with the requirements of Section 394.080.2 RSMo (2000), and within the boundaries of their electric service areas as defined in written territorial agreements that have been approved by the Commission in accordance with Section 394.312 RSMo (2000). Company presently is the exclusive electric service provider to Jefferson City, Eldon and New Haven, cities with a population in excess of 1500 inhabitants that are within the proposed exclusive service area of Three Rivers. The cities of Belle, Linn, St. Martins, and Wardsville are also served by Company, are within the proposed exclusive service area of Three Rivers, and may go over 1500 inhabitants after the next census. Because Jefferson City, Eldon, and New Haven are not rural areas and Three Rivers does not satisfy the requirements Section 394.080.2 RSMo (2000) with respect to them, Three Rivers is presently prevented from serving within their boundaries. Company is concerned that given the present wording of Article 4 of the Territorial Agreement, Three Rivers may argue after Commission approval of the Territorial Agreement that the Territorial Agreement grants them the right to serve within Jefferson City, Eldon, New Haven, and any other city in their proposed exclusive service area that in the future exceeds 1500 inhabitants.² Therefore, Company seeks intervention in this proceeding in order to protect its interests, interests that could be adversely impacted by a final order arising from the case.

5. Given the present wording of Article 4 of the Territorial Agreement, Company opposes the approval of the Territorial Agreement by the Commission.

¹ Section 394.020 RSMo (2000) defines a rural area as “any area of the United States not included within the boundaries of any city, town, or village having a population in excess of fifteen hundred inhabitants....”

² Article 3 of the Territorial Agreement contains a similar municipal service provision with respect to the electric service area of Gascosage. However, that provision does not affect Company because Company has an approved Territorial Agreement with Gascosage.

WHEREFORE, Company respectfully request that the Commission grant this application and permit Company to intervene in this proceeding.

Respectfully submitted,

AMEREN SERVICES COMPANY

By: 

William B. Bobnar

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ATTORNEY FOR UNION

ELECTRIC COMPANY

d/b/a AmerenUE

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 24th day of November, 2004.

John Coffman

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P.O. Box 7800
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VERIFICATION

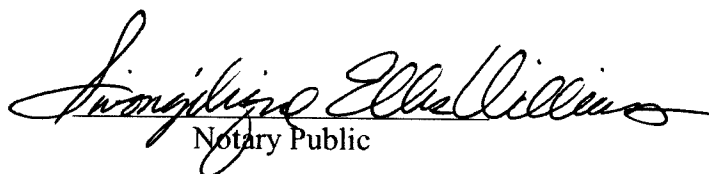
STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

On this 24th day of November, 2004, I, William B. Bobnar, a licensed attorney in good standing employed by Ameren Services Company, being first duly sworn upon my oath, state that I have read the foregoing *Verified Application to Intervene* of Union Electric Company d/b/a AmerenUE, that the facts stated therein are true and correct to the best of my knowledge, information and belief and that I am authorized to file such document on behalf of Union Electric Company d/b/a AmerenUE.



William B. Bobnar

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



Notary Public

