

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

In the Matter of the Application of Aquila,            )  
Inc., d/b/a Aquila Networks-MPS, and Platte-        )  
Clay Electric Cooperative, Inc. for Approval        )  
of a Written Territorial Agreement                    ) Case No.  
Designating the Boundaries of Exclusive            )  
Service Areas Within Platte and Clay                )  
County, Missouri

**JOINT APPLICATION FOR APPROVAL OF  
TERRITORIAL AGREEMENT**

COME NOW Aquila, Inc., d/b/a Aquila Networks-MPS, ("Aquila") and Platte-Clay Electric Cooperative, Inc. ("PCEC"), sometimes hereinafter referred to collectively as "Applicants," by and through their respective counsel, and for their Joint Application to the Missouri Public Service Commission ("Commission"), pursuant to 4 CSR 240-2.060, 4 CSR 240-3.130, and § 394.312 RSMo. 2000, for an order approving Applicants' Territorial Agreement, respectfully state as follows:

1.     **The Applicants** – Aquila is a Delaware corporation with its principal office and place of business at 20 West Ninth Street, Kansas City, Missouri 64138. Aquila is engaged in the business of providing electrical and industrial steam utility services in Missouri to customers in its service areas through its Aquila Networks-MPS and Aquila Networks-L&P operating divisions. Aquila is an "electrical corporation," a "heating company" and a "public utility" as those terms are defined in §386.020 RSMo 2000, and is subject to the jurisdiction and supervision of the Commission as provided by law. Aquila has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or its rates, which have

occurred within the three years immediately preceding the filing of this application. Aquila has no overdue Commission annual reports or assessment fees. A certified copy of Aquila's Amended Certificate of Authority to do business in this state as a foreign corporation was filed with the Commission in Case No. EU-2002-1053 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G). Likewise, copies of the registrations of fictitious name of Aquila Networks-MPS and Aquila Networks-L&P were filed in Case No. EU-2002-1053 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G).

2. PCEC is a rural electric cooperative organized and existing under the laws of Missouri and has its principal office at 1000 W. 92 Highway, Kearney, Missouri 64060. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within certain Missouri Counties. PCEC 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 Joint Application. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for PCEC is attached hereto as **Appendix A**.

3. **Correspondence and Communication** – Correspondence, communications, and orders in regard to this Application should be directed to:

Paul A. Boudreau  
Brydon, Swearingen & England, P.C.  
312 E. Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
573-635-7166 (telephone)

573-635-3847 (fax)  
[paulb@brydonlaw.com](mailto:paulb@brydonlaw.com)

Renee Parsons  
Aquila, Inc.  
20 West Ninth Street  
Kansas City, Missouri  
816-467-3297 (telephone)  
816-467-9297 (fax)  
[Renee.parsons@aquila.com](mailto:Renee.parsons@aquila.com)

Charles Christian Kirley  
Husch & Eppenberger, LLC  
1200 Main Street, Suite 2300  
Kansas City, Missouri 64105-2122  
816-283-4625 (telephone)  
816-421-0596 (fax)  
[chris.kirley@husch.com](mailto:chris.kirley@husch.com)

4. **The Territorial Agreement** – Subject to the terms and conditions of a Territorial Agreement dated as of February 28, 2007, between Aquila and PCEC (the “Agreement”), Applicants have specifically designated the boundaries of four (4) exclusive electric service areas within Clay and Platte Counties, Missouri, which are more particularly described in the Agreement. Applicants have attached a copy of the Agreement to this Application as **Appendix B**, which is incorporated by reference into this Application and made a part hereof for all purposes. A metes and bounds description of the four (4) exclusive service areas are a part of the Agreement and are incorporated by reference into this Application and made a part hereof for all purposes.

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

6. **Authority** – Aquila already has a certificate of public convenience and necessity to provide utility service in this portion of Platte County and Clay County, Missouri. As a result, Aquila has not included with this application an “illustrative tariff” reflecting proposed changes to its certification, as required by 4 CSR 240-3.130(1), since there will be no changes in the present boundaries of its certificated area as a result of this proceeding.

7. **Other Electric Suppliers** – To Applicants’ knowledge and belief there are no other electric suppliers serving in the area covered by this Agreement.

8. **Agreement is in the Public Interest** – The Agreement is in the public interest because it establishes exclusive service territories and 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, address the special circumstances of customers located therein and will also allow electric service customers within the area to know with certainty the supplier of their electric service.

9. **Limited Applicability of Agreement** – Each of the Applicants will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Agreement.

10. **Application Fee** – The Commission’s filing fee required by 4 CSR 240-3.135(1) and 4 CSR 240-3.130(1)(E) is submitted herewith, as reflected in the check from Applicant Aquila in the amount of \$500.00

WHEREFORE, Applicants respectfully request that the Commission issue its order:

(a) Finding the designation of electric service area is not detrimental to the public interest and approving the Applicants' Agreement; and

(b) Authorizing Applicants to perform in accordance with the terms and conditions of the Agreement.

Respectfully submitted,

*Paul A. Boudreau by*

*[Signature]* *L. Russell Mitten MO # 27881*

Paul A. Boudreau MO #33155  
BRYDON, SWEARENGEN & ENGLAND, P.C.  
312 East Capitol Avenue  
P.O. Box 456  
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(573) 635-7166 Phone  
(573) 635-0427 Fax  
paulb@brydonlaw.com

Attorneys for Applicant, Aquila, Inc.

*[Signature]*

Charles Christian Kirley MO #26556  
Husch & Eppenberger, LLC  
1200 Main Street, Suite 2300  
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816-283-4625 (telephone)  
816-421-0596 (fax)  
chris.kirley@husch.com

Attorneys for Platte-Clay Electric Cooperative

VERIFICATION

STATE OF MISSOURI )  
 )ss  
COUNTY OF JACKSON )

Being first duly sworn, Renee Parsons states as follows: that she has read the foregoing application and the facts and allegations contained therein are true and correct to the best of her knowledge, information and belief and that the Renee Parsons is authorized by Aquila, Inc., d/b/a Aquila Networks-MPS to make this filing and represent it in this matter.

Renee Parsons  
Renee Parsons

Subscribed and sworn to before me this 5<sup>th</sup> day of March 2007.

Debra S. Bellville  
Notary Public

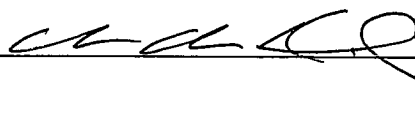
Commission Expires:

**DEBRA S. BELLVILLE**  
Notary Public - Notary Seal  
**STATE OF MISSOURI**  
Jackson County  
Commission # 06907212  
My Commission Expires: June 28, 2010

VERIFICATION

STATE OF MISSOURI    )  
                                  )ss  
COUNTY OF JACKSON    )

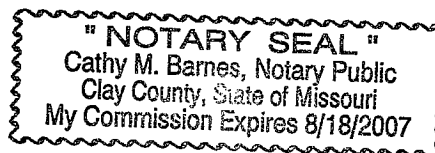
Being first duly sworn, Charles Christian Kirley states as follows: that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that the law firm of Husch & Eppenberger, LLC is authorized by Platte-Clay Electric Cooperative, Inc. to make this filing and represent it in this matter.

  
\_\_\_\_\_

Subscribed and sworn to before me this 2nd day of March 2007.

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

Commission Expires:  
8-18-2007

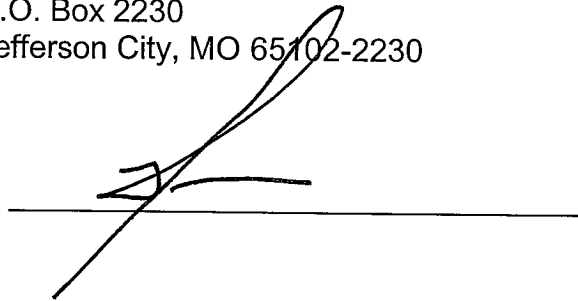


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail or by hand delivery, on this 7<sup>th</sup> day of March 2007 to the following:

General Counsel's Office  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102-0360

Office of the Public Counsel  
Governor Office Building  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102-2230

A handwritten signature in black ink is written over a solid horizontal line. The signature is stylized and appears to be a first name followed by a last name.