

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

In the Matter of the Application of Nicole)
McCoun for Change of Electric Supplier) Case No: EO-2023-0063
from City of Butler to Osage Valley)
Electric Cooperative.)

**RESPONSE OF OSAGE VALLEY ELECTRIC COOPERATIVE TO APPLICATION OF
NICOLE MCCOUN FOR CHANGE OF ELECTRIC SUPPLIER**

COMES NOW Osage Valley Electric Cooperative (“Cooperative”) by and through its undersigned counsel, and for its response to the Application of Nicole McCoun (“Applicant”) for Change of Electric Supplier from the City of Butler, Missouri Municipal Electric Utility (“City”) to Osage Valley Electric Cooperative (“Application”), respectfully states as follows:

1. As to Paragraphs 5 and 6 of the Application, Cooperative recently became aware that City was serving addresses that are outside of the corporate boundaries of the City when City approached Cooperative to enter into a Territorial Agreement to rectify this issue as allowed by Section 394.312(2), RSMo. City and Cooperative have entered into a Territorial Agreement, Case No. EO-2023-0126, that Cooperative believes will alleviate the complaints referenced in the Application regarding the inability of the City to connect any new services in this area.
2. Cooperative is without information to confirm or deny all remaining allegations of the Application.
3. Cooperative takes no position on the sufficiency of Applicant’s application for satisfaction of the statutory standard for approval of a change of electric supplier.

4. Cooperative affirms that if the Application is approved, Cooperative has sufficient ability to become Applicant's electric supplier. However, Cooperative would need to construct a 2400-foot line extension and conduct significant tree clearing which would be very costly.
5. Cooperative requests the PSC deny this Application for Change of Electric Supplier as it believes Applicant's grievances will be remedied with approval of the Territorial Agreement referenced in Paragraph 1.
6. Correspondence, orders, and other communications regarding this Application should be directed to the undersigned.

Respectfully submitted,

FRIEL, McCORD & SMILEY, LLC

By: /s/ Megan E. McCord
Megan E. McCord, # 62037
P.O. Box 14287
Springfield, MO 65814
(417) 227-8405 Phone
mmccord@reclawfirm.com

**ATTORNEYS FOR OSAGE VALLEY
ELECTRIC COOPERATIVE**

CERTIFICATE OF SERVICE

The undersigned certifies copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all the below parties and counsel of record on this 7th day of October 2022.

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

Missouri Public Service Commission
Eric Vandergriff
200 Madison Street, Suite 800
PO Box 360
Jefferson City, MO 65102
Eric.Vandergriff@psc.mo.gov

Office of Public Counsel
200 Madison Street, Suite 650
PO Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

City of Butler, Missouri
Anthony Hernandez #69129
250 NE Tudor Road
Lee's Summit, MO 64086
Ahernandez@laubermunicipal.com

Applicant
Nicole McCoun
71 NE Cedar Drive
Butler, MO 64730

/s/ Megan E. McCord _____