

Missouri Public
Service Commission

Constitution of 1945 and the Springfield City Charter. City Utilities' principal place of business is located at 301 E. Central, Springfield, MO 65802. Its mailing address is P.O. Box 551, Springfield, MO 65801. City Utilities has no pending or final judgments or decisions against it from any state or federal agency or court which involve customer service or rates within the three years immediately preceding the filing of this Joint Application.

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

For City Utilities:
Mr. Rex C. McCall
Assistant General Counsel
301 E. Central
P.O. Box 551
Springfield, MO 65801
417-831-8605
417-831-8303 (fax)
rex.mccall@cityutilities.net

For Ozark:
Mr. Rodric A. Widger
Andereck, Evans, Milne,
Peace & Widger, L.L.C.
1111 S. Glenstone
PO Box 4929
Springfield, MO 65808
417-864-6401
417-864-4967 (fax)
rwidger@LawOfficeMo.com

4. **The Territorial Agreement** - Subject to the terms and conditions of an Agreement, known as the "First Electric Service Territorial Agreement" between Ozark and City Utilities, Applicants have specifically designated responsibility for exclusive electric service to serve a sewage pump station inside the city limits of Springfield, Missouri. 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. A metes and bounds description of the exclusive service area is part of the Agreement and is incorporated by reference into this Application and made part hereof for all purposes. The Territorial Agreement only establishes an exclusive service territory for Ozark at this single location. It does not require transfer of any facilities or customers between the Applicants, so no list of all persons whose utility service would be changed by the agreement, as required by 4 CSR 240-2.060(13) is included.

5. **Good Standing** – A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State issued to Ozark was most recently filed in Case No. EO-2006-0213 and is incorporated herein by reference. City Utilities of Springfield, Missouri, is the utility arm of a constitutional charter city of the State of Missouri.

6. **Authority to Serve in Proposed Areas** - Ozark has statutory franchise authority in the area it proposes to serve.

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

8. **Agreement is in the Public Interest** - . The City plans to construct a sewage pump station along Farm Road 103, inside the city limits of Springfield, Missouri. Although City Utilities has a single-phase electric line along this road, the pump station will require three-phase service. In order to provide three-phase service, City Utilities would have to reconstruct approximately two miles of this electric line. It would cost over \$200,000 to reconstruct the line. Ozark has a three-phase line that runs along Farm Road 103 that is adjacent to the property where the pump station will be built. Ozark's line is capable of providing electric service to the pump station. City Utilities and Ozark have agreed that Ozark should provide electric service to the pump station. This is in the public interest since it will save the City and its taxpayers \$200,000 in electric line construction costs and will avoid unnecessary duplication of lines. It makes most effective use of past investment in substation and distribution facilities by Ozark while avoiding the necessity of duplicate investment by City Utilities. Neither party is subject to the jurisdiction of the Commission for purposes of certificate authority or for rate regulation.

9. **Scope of Agreement** - Each Applicant 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 fee required by 4 CSR 240-3.135 is submitted herewith.

WHEREFORE, Applicants respectfully request that the Public Service Commission of Missouri issue its order:

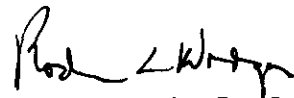
(a) Finding that the designation of electric service area is not detrimental to the public interest and approving the Applicants' Territorial Agreement;

(b) Authorizing Applicants to perform in accordance with the terms and conditions of the Agreement, Appendix A to the Joint Application.

Respectfully submitted,

By 
Rex C. McCall, Mo. Bar No. 49751
Assistant General Counsel
301 E. Central
P.O. Box 551
Springfield, MO 65801
417-831-8605
417-831-8303 (fax)
rex.mccall@cityutilities.net

ATTORNEY FOR CITY UTILITIES
OF SPRINGFIELD, MISSOURI

By 
Rodric A. Widger, Mo. Bar No. 31458
Andereck, Evans, Milne,
Peace & Widger, L.L.C.
1111 S. Glenstone
P.O. Box 4929
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417-864-6401
417-864-4967 (fax)
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ATTORNEYS FOR OZARK
ELECTRIC COOPERATIVE

Certificate of Service

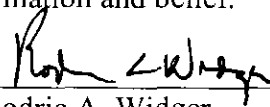
The undersigned certifies that a true and correct copy of the foregoing application was served by mail delivery this 17th day of August, 2006, upon the Office of the Public Counsel and the Office of the General Counsel.



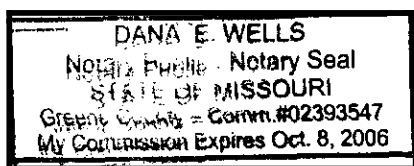
VERIFICATION

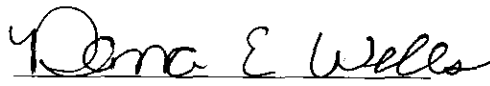
STATE OF MISSOURI)
) SS
COUNTY OF GREENE)

On the 17th day of August, 2006, before me appeared Rodric A. Widger, to me personally known, who being by me first duly sworn, states that he is the attorney for Ozark Cooperative and is authorized to file this application with the Missouri Public Service Commission and to execute the Application and this Verification on Ozark Electric Cooperative's behalf, and acknowledged that he has read the Joint Application of City Utilities and Ozark Electric Cooperative for Approval of a Territorial Agreement and that the facts stated therein are true and correct to the best of his knowledge, information and belief.


Rodric A. Widger

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

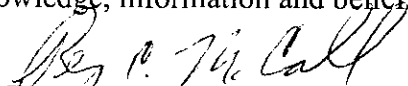



Notary Public

VERIFICATION

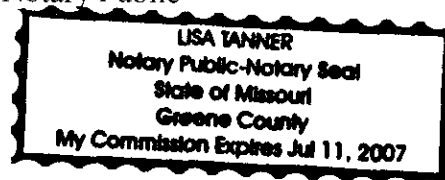
STATE OF MISSOURI)
) SS
COUNTY OF GREENE)

On the 7th day of August, 2006, before me appeared Rex C. McCall, to me personally known, who being by me first duly sworn, states that he is the attorney for City Utilities Springfield, Missouri, and is authorized to file this application with the Missouri Public Service Commission and to execute the Application and this Verification on City Utilities of Springfield, Missouri's behalf, and acknowledged that he has read the Joint Application of City Utilities and Ozark Electric Cooperative for Approval of a Territorial Agreement and that the facts stated therein are true and correct to the best of his knowledge, information and belief.


Rex C. McCall

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


Notary Public



FIRST ELECTRIC SERVICE TERRITORIAL AGREEMENT

WHEREAS, the City of Springfield, Missouri ("City"), plans to construct a sewage pump station along Farm Road 103 inside the limits of the City; and

WHEREAS, City Utilities of Springfield, Missouri ("City Utilities") would have to reconstruct approximately two miles of a single-phase electric line to upgrade it to a three-phase electric line in order to serve the pump station, which would cost over \$200,000; and

WHEREAS, Ozark Electric Cooperative ("Ozark") has three-phase electric lines adjacent to the property that are capable of serving the pump station; and

WHEREAS, the parties desire to enter into an electric service territorial agreement pursuant to the provisions of Section 394.312 R.S.Mo. (2000), so that Ozark may provide electric service to the pump station;

NOW, THEREFORE, on this 7th day of AUGUST, 2006, City Utilities of Springfield, Missouri and Ozark Electric Cooperative agree as follows:

1. Ozark shall have the right provide electric service to the property described in Exhibits A and B, attached hereto and incorporated by reference, which is located within the city limits of Springfield, Missouri. Ozark shall provide such electric service in accordance with the rates, rules, and regulations adopted pursuant to its by-laws. The property described in Exhibit A shall become a part of the service territory of Ozark, in addition to its existing service territory.

2. Except as expressly stated herein, the service territories of City Utilities and Ozark shall remain unchanged.

3. This electric service territorial agreement is in the best interest of the public because it will avoid the unnecessary duplication of electric lines.


4. This agreement is subject to the jurisdiction of the Missouri Public Service Commission ("PSC") and will not become effective until the PSC has approved it. The parties shall cooperate to obtain such approval. The parties shall share all PSC fees equally.

IN WITNESS WHEREOF, the parties have signed this agreement on the date first written above.

City Utilities of Springfield, Missouri

By 
John Twitty
General Manager

Ozark Electric Cooperative

By 
Jerry Mayberry
General Manager

Approved: 

EXHIBIT A

Commencing at an existing 5/8" Iron Pin found at the Northwest Corner of Lot 3 of the Northeast Fractional Quarter of Section 2, Township 29 North, Range 23 West; thence along the West line of the aforesaid Lot 3, South 02E 34' 32" West, a distance of 488.28 feet for a Point of Beginning; thence South 87E 25' 28" East, a distance of 250.00 feet; thence South 02E 34' 32" West a distance of 450.00 feet; thence North 87E 25' 28" West a distance of 250.00 feet; thence North 02E 34' 32" East, a distance of 450.00 feet to the Point of Beginning. All lying in and being a part of Lot 3 of the Northeast Fractional Quarter of Section 2, Township 29 North, Range 23 West, Greene County, Missouri and containing 2.583 acres more or less, subject to that part used for road right-of-way and subject to all easements, covenants, restrictions, and agreements of record. Bearings based on Grid North of the Missouri State Plane Coordinate System of 1983, Central Zone.

EXHIBIT B

