

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

In the Matter of the Application of The Empire)	
District Electric Company and White River Valley)	
Electric Cooperative for Approval of a Written)	<u>Case No. EO-2009-0284</u>
Territorial Agreement Designating the Boundaries of)	
Exclusive Service Areas within Taney County)	

**STAFF STATUS REPORT ON SIXTH TERRITORIAL AGREEMENT
BETWEEN THE EMPIRE DISTRICT ELECTRIC COMPANY AND
WHITE RIVER VALLEY ELECTRIC COOPERATIVE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and, for its status report on the application of The Empire District Electric Company and White River Valley Electric Cooperative, states:

1. On February 3, 2009, The Empire District Electric Company and White River Valley Electric Cooperative filed a joint application seeking approval of a territorial agreement.
2. On February 4, 2009, the Commission ordered that any applications to intervene shall be filed no later than March 6, 2009. There were no applications to intervene.
3. On March 30, 2009, the Commission ordered the Staff to file its Recommendation no later than April 17, 2009.
4. The Commission must rule on the application by June 3, 2009.
5. Staff's investigation found that Lot 313 of Lake Taneycomo Acres (Exhibit A3) was part of a previous territorial agreement between Empire and White River under their Second Territorial Agreement the Commission approved in Case No. EO-96-176. That agreement contained case-by-case provisions for boundary structures by which a lot may be served by the other provider if Empire, White River and the property owner agree that the interest of all parties are advanced thereby.

6. Staff, through counsel, has contacted counsel for The Empire District Electric Company and understands that amendments to the instant agreement, the Sixth Territorial Agreement, as well as the Second Territorial Agreement in Case No. EO-96-176 shall be forthcoming in order to remove Lot 313 from the scope of the Sixth Territorial Agreement and include it within the scope of the Second Territorial Agreement.

7. Staff does not anticipate making a negative recommendation after the Sixth Territorial Agreement is amended.

WHEREFORE, in light of the foregoing expected amendment to the Sixth Territorial Agreement, Staff anticipates filing its Recommendation shortly after Empire files its amendment to the Joint Application.

Respectfully submitted,

/s/ Sam Ritchie

Sam Ritchie

Legal Counsel

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 17th day of April, 2009.

/s/ Sam Ritchie