

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the matter of the joint application of)
The Empire District Electric Company of)
Joplin, Missouri and White River Valley)
Electric Cooperative, Branson, Missouri,)
for approval of a territorial agreement)
designating the boundaries of each)
electrical supplier within a subdivision)
in Taney County, Missouri.)

Case No. EO-93-258

APPEARANCES: Gary W. Duffy, Brydon, Swearengen & England, P.O. Box 456,
Jefferson City, Missouri 65102 for the Empire District Electric
Company.

Rodric A. Widger, Andereck, Evans, Milne, Peace & Baumhoer, P.O.
Box 4929, Springfield, Missouri 65808-4929 for White Valley
Electric Cooperative.

John B. Coffman, Assistant Public Counsel, P.O. Box 7800,
Jefferson City, Missouri 65102 for the Office of the Public
Counsel and the Public.

Thomas H. Luckenbill, Assistant General Counsel, P.O. Box 360,
Jefferson City, Missouri 65102 for the Staff of the Missouri
Public Service Commission.

HEARING

EXAMINER: Dale Hardy Roberts

REPORT AND ORDER

On March 5, 1993, the Empire District Electric Company of Joplin, Missouri (Empire) and the White River Valley Electric Cooperative, Branson, Missouri (White River), hereinafter referred to jointly as Applicants, filed a Joint Application requesting the Commission approve the Applicants' Territorial Agreement, pursuant to Section 394.312 and 416.041 RSMo (Supp. 1992) and further requesting the Commission allow such other actions as are necessary to carry out the agreement. On April 16, 1993, the Commission issued its Order and Notice along with a procedural schedule which included notice provisions for the area affected and an intervention date of May 6, 1993. The Commission received no

applications for intervention and on May 25, 1993, a prehearing conference was held with an evidentiary hearing immediately following.

Findings Of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

At the hearing held on May 25, 1993, the parties stipulated to the reception of all of the prefiled testimony and waived objection to the Exhibits or cross examination of the witnesses. The parties further stated that a Territorial Agreement designating the boundaries of each electrical supplier had been reached. Exhibits containing the testimony of Myron McKinney, Christopher Hamon and B. J. Washburn were received into the record as well as the Territorial Agreement executed by the parties on February 19, 1993. The territory affected by this agreement is a commercial subdivision located south of Branson, Missouri. The Staff of the Missouri Public Service Commission (Staff) voiced its support of the proposed Territorial Agreement and recommended that the Commission approve it. The Office of the Public Counsel appeared at the hearing and also stated that it had no objection to the Territorial Agreement.

In the Commission's opinion, the oral stipulation and the written Territorial Agreement are not adverse to the public interest and provide for adequate future electric service to the affected area, and should be approved for disposition of all the matters presented herein.

In the Commission's opinion, the proposed Territorial Agreement is in the public interest because it allows the joint Applicants to avoid unnecessary duplication of facilities in that area of Taney County which is affected by this agreement and, further, it will permit the efficient development and operation of the respective distribution systems. By having a known service area, each

electric provider may more efficiently plan and use their electrical distribution system in the future.

For all of these reasons, the Commission is of the opinion that the Territorial Agreement is in the public interest and should be approved.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law:

The Missouri Public Service Commission has jurisdiction over the matters at issue in this Application pursuant to Section 394.312 and 416.041 Revised Statutes of Missouri.

The intent of the General Assembly in enacting those sections was to encourage voluntary agreements between rural electric cooperatives, electric corporations, and municipally owned utilities to displace competition which may result in duplication or inefficient use of facilities. The Commission concludes that when a proposed Territorial Agreement, such as the one presented in this matter, furthers that legislative intent it should be approved.

IT IS THEREFORE ORDERED:

1. That the Territorial Agreement executed by the joint Applicants on February 19, 1993, and submitted at the hearing on May 25, 1993, be approved and the Applicants are authorized to perform in accordance with the terms and conditions of the Territorial Agreement.

2. That this Report and Order shall become effective on June 21,
1993.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Mueller, Chm., McClure and
Kincheloe, CC., Concur.
Perkins and Crumpton, CC., Absent.

Dated at Jefferson City, Missouri,
on this 11th day of June, 1993.