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## Missouri Public Service Commission

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January 6, 1995

DAVID L. RAUCH  
Executive Secretary

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Director, Utility Operations

GORDON L. PERSINGER  
Director, Policy & Planning

KENNETH J. RADEMAN  
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Director, Administration

CECIL I. WRIGHT  
Chief Hearing Examiner

ROBERT J. HACK  
General Counsel

Mr. David L. Rauch  
Executive Secretary  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. EO-95-151 -- In the matter of the application of Union Electric Company and Laclede Cooperative, Inc. for approval of a written territorial agreement designating the boundaries of each electric service supplier within portion of Miller, and Camden Counties, Missouri.**

Dear Mr. Rauch:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of **REBUTTAL TESTIMONY OF B.J. WASHBURN.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely,

Cherlyn D. McGowan  
Assistant General Counsel  
314-751-3966

CDM:ceb  
Enclosure

cc: Counsel of Record

**FILED**

JAN 6 1995

MISSOURI  
PUBLIC SERVICE COMMISSION

6.

**Exhibit No.:**

**Issue:** *approval of a written territorial agreement*

**Witness:** *B.J. Washburn*

**Sponsoring Party:** *MoPSC Staff*

**Case No.:** *EO-95-151*

**MISSOURI PUBLIC SERVICE COMMISSION**

**POLICY AND PLANNING DIVISION**

**APPLICATION OF UNION ELECTRIC COMPANY  
AND  
LACLEDE ELECTRIC COOPERATIVE, INC.**

**CASE NO. EO-95-151**

**REBUTTAL TESTIMONY**

**OF**

**B. J. WASHBURN**

**FILED**

**JAN 6 1995**

**MISSOURI  
PUBLIC SERVICE COMMISSION**

**Jefferson City, Missouri  
January, 1995**

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REBUTTAL TESTIMONY

OF

B. J. WASHBURN

APPLICATION OF UNION ELECTRIC COMPANY AND  
LACLEDE ELECTRIC COOPERATIVE, INC. FOR  
APPROVAL OF A TERRITORIAL AGREEMENT

CASE NO. EO-95-151

13 Q. Please state your name and business address.

14 A. B.J. Washburn, P.O. Box 360, Jefferson City, Mo. 65102.

15 Q. By whom are you employed and in what capacity?

16 A. I am employed by the Missouri Public Service Commission as  
17 Manager, Policy and Federal Affairs Department.

18 Q. Please describe your educational and professional background.

19 A. I received a Bachelor of Science Degree in Electrical Engineering  
20 from the University of Missouri-Columbia in 1963. I was employed by Missouri Public  
21 Service Company from 1963 until 1970. Since 1970, I have been employed by the Public  
22 Service Commission. I am a registered Professional Engineer in the State of Missouri, and  
23 my registration number is E-13060.

24 Q. Have you previously testified before this Commission?

25 A. Yes, I have.

26 Q. Are you familiar with Case No. EO-95-151?

27 A. Yes, I am.

28 Q. What is the purpose of your testimony in his proceeding?  
29

**Rebuttal Testimony of  
B. J. Washburn**

1           A.     I will discuss the proposed territorial agreement which designates  
2     the boundaries between Union Electric Company (UE or Company) and Laclede Electric  
3     Cooperative, Inc. (Laclede).

4           Q.     Please describe this application and territorial agreement.

5           A.     The application is for approval of a boundary agreement which will  
6     specifically designate the boundary between the applicants within portions of Miller and  
7     Camden Counties, Missouri. The service area of UE under this agreement shall be that  
8     portion of Camden and Miller Counties which is due north of the boundary line described  
9     in the agreement and shown on the map provided with the application. The service area  
10    of Laclede will be that portion of Camden County which is due south of this boundary line.

11          Q.     In your opinion, does the territorial agreement specifically designate  
12    the boundary between the electric service suppliers?

13          A.     Yes. The applicants have provided a metes and bounds description  
14    in addition to the maps showing the boundary line. UE serves four (4) customers that are  
15    located within the area designated to Laclede. These customers are very close to the  
16    boundary line, and UE will continue to provide service to these four customers.

17          Q.     What comments do you have about the agreement?

18          A.     The agreement provides that each party will extend new services to  
19    new structures only if such new structure is located within the area designated to that  
20    electric supplier except as described in the case-by-case exception.

21          Q.     Do you have any other comments regarding the agreement?

22          A.     Yes. Paragraph 6 of the agreement provides for a case-by-case

**Rebuttal Testimony of  
B. J. Washburn**

1       exception wherein the parties may agree on a case-by-case basis by an addendum provision  
2       to allow a structure to receive service from one party though the structure is located in the  
3       electric service area of the other party. The addendum procedure is detailed in Paragraph  
4       6 of the agreement. Staff supports the addendum procedure for case-by-case exceptions  
5       as included in this agreement.

6               Q.     Why is the addendum procedure necessary?

7               A.     The addendum procedure ensures that the customer knows of the  
8       territorial agreement boundary and consents to being served by the electric provider which  
9       would regularly provide service only to customers on the other side of the boundary.

10              Q.     What is your recommendation in this case.

11              A.     Staff recommends the Commission approve the application. Staff  
12       supports the application and believes it to be in the public interest to define the boundary  
13       line between these two suppliers, which will prevent duplication of facilities and allow  
14       each supplier to plan their distribution system in a rational manner, knowing they will be  
15       serving all customers within their designated service area.

16              Q.     Does this conclude your testimony?

17              A.     Yes, it does.

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the matter of the application of Union Electric Company )  
and Laclede Electric Cooperative, Inc. for approval of a )  
written territorial agreement designating the boundaries )  
of each electric service supplier within portion of Miller, )  
and Camden Counties, Missouri. )

Case No. EO-95-151

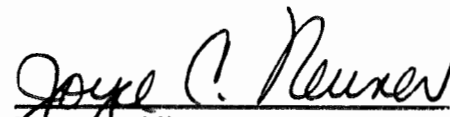
**AFFIDAVIT OF B. J. WASHBURN**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF COLE )

B. J. Washburn, of lawful age, on his oath states: that he has participated in the preparation of the foregoing Rebuttal Testimony in question and answer form, consisting of 3 pages to be presented in the above case; that the answers in the foregoing Rebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.

  
B. J. Washburn

Subscribed and sworn to before me this 6th day of January, 1995.

  
Notary Public

My Commission Expires: JOYCE C NEUNER  
NOTARY PUBLIC STATE OF MISSOURI  
OSAGE COUNTY  
MY COMMISSION EXP JUNE 18, 1997