

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

In the Matter of the Application of Co-Mo	)	
Electric Cooperative for Approval of	)	File No. EO-2022-0332
Designated Service Boundaries Within	)	
Portions of Cooper County, Missouri.	)	
	)	
In the Matter of the Application of Co-Mo	)	
Electric Cooperative for Approval of	)	File No. EO-2022-0190
Designated Service Boundaries Within	)	
Portions of Cooper County, Missouri.	)	

**CO-MO ELECTRIC COOPERATIVE’S REPLY TO PUBLIC COUNSEL’S RESPONSE TO  
PROPOSED TERRITORIAL AGREEMENT**

COMES NOW Co-Mo Electric Cooperative (“Co-Mo” or “Cooperative”) and for its response to Public Counsel’s (“OPC”) Response to Proposed Territorial Agreement (“OPC Response”), states as follows:

1. On multiple occasions in these cases, Co-Mo has addressed the question of whether individual notice to persons who own land within the territories allocated by the Territorial Agreement, but whose service to any existing structure on such land is not being changed, is necessary or even appropriate. Those prior filings establish that such notice is neither necessary nor appropriate, and indeed is not contemplated by, supported by, or authorized by the territorial agreement statute or the Commission’s rules governing territorial agreements. Nothing in OPC’s Response negates the points made in Co-Mo’s prior filings on this topic – such notice should not be required.

2. OPC’s Response does reflect the first time that OPC has taken a position on the Territorial Agreement itself. To summarize, OPC’s position poses two options for the Commission: (A) either require the notice (which the Commission previously declined to do)<sup>1</sup> and approve the Territorial Agreement or, (B) don’t require the notice but also don’t approve the Territorial Agreement.

---

<sup>1</sup> *Order Setting and Providing Notice of a Virtual Public Hearing*, File No. EO-2022-0332 (Where the Commission noted that OPC wanted the notice it now advocates for again to be required but declined to require the notice).

3. As to OPC's Option A, Co-Mo opposes requiring the notice on substantive, legal grounds, but also because of the practical "precedent" or expectation that requiring such a notice could set. There is no precedent for the notice OPC is recommending to the Commission.

4. As to OPC's Option B, Ameren and Co-Mo have reached an agreement as outlined in the Territorial Agreement. Staff's Recommendation supports approval of the Territorial Agreement. OPC's recommendation of the Commission rejecting the Territorial Agreement is not founded on legal grounds. The parties have met, and exceeded, the notice requirements for an Application for a Territorial Agreement as discussed in Co-Mo's prior filings.

5. In addition to the legal issues addressed herein, Co-Mo also has practical concerns. Namely, who is going to identify these landowners? How will that be done? Who will bear the likely significant cost of this search for landowners? Co-Mo and Ameren have been involved in these two cases for a year, what additional time will it take to complete this unprecedented notice urged by OPC?

6. Further, the Territorial Agreement at issue herein has an "amendment clause" Co-Mo and Ameren could use if future landowners wish to go against what is set out in the Agreement. Additionally, the PSC change of supplier procedures permit any future landowner/developer to not be bound by the Territorial Agreement in specific circumstances. These options nullify OPC's argument.

7. Co-Mo Electric Cooperative stands by its prior statements to the Commission that the Territorial Agreement is in the public interest and that it should be approved. Put another way, the Commission should reject both OPC Option A and B and approve the agreement, as Staff recommends.

**WHEREFORE**, Co-Mo Electric Cooperative hereby submits its reply to OPC's Response.

Respectfully submitted,

/s/ Megan E. McCord  
Megan E. McCord, Mo. Bar #62037  
Friel, McCord & Smiley, LLC  
P.O. Box 14287  
Springfield, MO 65814  
Phone: (417) 227-8405

mmccord@reclawfirm.com

ATTORNEY FOR CO-MO  
ELECTRIC COOPERATIVE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 12th day of December 2022, served the foregoing by e-mail to all counsel of record.

*/s/ Megan E. McCord*  
Megan E. McCord