

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

In the Matter of the Application of Co-Mo    )  
Electric Cooperative for Approval of        )  
Designated Service Boundaries Within     )  
Portions of Cooper County, Missouri        )        Case No. \_\_\_\_\_

**APPLICATION**

COMES NOW Co-Mo Electric Cooperative (“Cooperative”), by and through its undersigned counsel, and for its Application to the Missouri Public Service Commission (“Commission”), pursuant to RSMo 386.800.3 and the applicable provisions of 20 CSR 4240-20.045, for an order Approving Designated Service Boundaries, respectfully states as follows:

- 1) **The Applicant.** Cooperative is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 29868 Hwy 5, Tipton, MO 65081. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within certain Missouri counties. Cooperative has no pending action or final judgments or decisions against it from any state or federal agency or court that involve its customer service or rates within the three years immediately preceding the filing of this Application. Cooperative has no overdue annual report or assessment fees. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for Cooperative is attached hereto and marked **Appendix A**.
  
- 2) **Correspondence and Communication.** Correspondence, communications, and orders in regard to this Application should be directed to:

Megan E. Ray  
Andereck, Evans, Lewis, Figg & Battagler, LLC  
3816 S. Greystone Ct., Ste. B  
Springfield, MO 65804  
417-864-6401 (telephone)  
417-864-4967 (fax)

e-mail: mray@lawofficemo.com  
Attorney for Cooperative

- 3) **Written Request by Developer.** On December 3, 2021, Cooperative received a notice letter from Troy Thurman of Troy Thurman Construction Company, Inc., who is the owner and developer of the subject property that is adjacent to the city of Boonville, Missouri and subject to an annexation request by Mr. Thurman. The subject property is known as “Fox Hollow.” Mr. Thurman also is a member of Cooperative. The notice letter put Ameren Missouri, Cooperative, and the city of Boonville on notice that Mr. Thurman wished to invoke the provisions of RSMo 386.800 and further that Mr. Thurman preferred that Cooperative be the electric provider of choice to the subject property. The letter is attached hereto as **Appendix B** and is incorporated herein by reference. As required by RSMo 386.800.2, a “majority of the existing developers, landowners, or prospective electric customers in the area proposed to be annexed,” within forty-five days prior to the effective date of the annexation, submitted a written request to Cooperative to serve the area to be annexed. The entirety of the subject property is solely owned by Troy Thurman Construction Company and no other electric supplier currently is providing permanent service to any structure within the subject property. The request was mailed by owner/developer on November 30, 2021 to the city of Boonville, Ameren Missouri, and Cooperative. The letter was received by Cooperative on December 3, 2021. The city of Boonville approved its annexation and rezoning ordinance, Ordinance 4575, on December 6, 2021 with an effective date of January 18, 2022. See **Appendix C**.
- 4) **Other Electric Suppliers.** To Cooperative’s knowledge and belief, there are no other electric suppliers currently serving any structures on the subject property. However, Ameren Missouri provides electric service within the city of Boonville. Cooperative also currently

provides electric service to structures within the city of Boonville as a result of past annexations into areas historically served by Cooperative.

- 5) **Fee.** Pursuant to RSMo 386.800.9, Cooperative agrees to pay any fee charged by the Commission. In anticipation that an initial filing fee is contemplated, if not specifically required by an existing Commission rule, Applicant notes that 20 CSR 4240-3.130 relating to territorial agreements specifies an initial filing fee of five hundred dollars (\$500). Accordingly, Applicant is submitting same along with this Application.
- 6) **Service Capability.** Attached as **Appendix D** is a map and accompanying detail showing Cooperative's existing electric service facilities with adequate and necessary service capability located within one mile of the boundaries of the area proposed to be annexed, as required by RSMo 386.800.2.
- 7) **Good Faith Negotiations.** After receiving the developer/owner's request (**Appendix B**), Cooperative engaged in good faith negotiations, pursuant to RSMo 386.800.2, to attempt to negotiate a Territorial Agreement under RSMO 394.312 with Ameren Missouri.
- 8) **Factors Considered.** RSMo 386.800 requires the following factors to be considered, at a minimum, in negotiating a territorial agreement, as well for purposes of the Commission's subsequent review in making its determination under this statute:
  - a) The preference of landowners and prospective electric customers;
  - b) The rates, terms, and conditions of service of the electric service suppliers;
  - c) The economic impact on the electric service suppliers;
  - d) Each electric service supplier's operational ability to serve all or portions of the annexed area within three years of the date the annexation becomes effective;
  - e) Avoiding the wasteful duplication of electric facilities;

- f) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and
  - g) Preventing the waste of materials and natural resources.
- 9) **Forty-Five Days.** RSMo 386.800.3 prescribes a 45-day time period in which Cooperative and Ameren Missouri had to negotiate a Territorial Agreement, after which either electric service supplier may file an Application with the Commission for an Order determining which electric service supplier should serve the area to be annexed. Cooperative and Ameren Missouri were unable to reach a consensus in negotiating a Territorial Agreement regarding the subject property. Accordingly, Cooperative is filing this Application.
- 10) **Rules and Regulations.** Pursuant to RSMo 386.800.3, this Application shall be made pursuant to the rules and regulations of the Commission governing applications for certificates of public convenience and necessity, which tracks the familiar statutory language found in RSMo 394.312.4 respecting the filing requirements for Commission review of territorial agreements. While not specifically required under RSMo 386.800.3, as a courtesy and consistent with RSMo 394.312.4, Applicant is serving a copy of this Application on Ameren Missouri.
- 11) **Name and address of all residents and landowners.** The name and address of all residents and landowners of the subject property, as required by 20 CSR 4240-20.045, are stated in Paragraph 3, above, and in **Appendix B**.
- 12) **The legal description of the subject property.** See the deed attached as **Appendix E**, incorporated herein by reference.
- 13) **A plat of the proposed service area.** See **Appendix F**, incorporated herein by reference.

14) **Franchise.** As contemplated in RSMo 386.800.10(2), on December 6, 2021, the Boonville City Council approved a franchise agreement allowing Cooperative to operate within the city limits of Boonville. See **Appendix G.**

15) **Public Interest.** This Application, if approved, is not detrimental to the public interest because it is consistent with the preference of Mr. Thurman, all other factors specified in RSMo 386.800.2(1)-(7), and:

- a) It eliminates the duplication of facilities and provides cost and safety benefits by establishing that Cooperative shall be the sole provider of retail electric service on the subject property which is planned to consist of approximately four hundred and forty-six residential structures once completed;
- b) Cooperative has the ability to provide adequate service to the subject property and all planned construction thereon as demonstrated in **Appendix D** attached hereto;
- c) There will be no detrimental short-term economic (or other) impact on Cooperative's customer/members and long-term benefits to the Cooperative's customer/members provided by the planned density and load factor from the subject property are expected.

WHEREFORE, Applicant, pursuant to RSMo 386.800, respectfully requests that the Public Service Commission of Missouri issue its Order finding that the exclusive provision of electric service by Co-Mo Electric Cooperative to the subject property is not detrimental to the public interest.

**Respectfully submitted,**

/s/ Megan E. Ray

Megan E. Ray #62037

Andereck, Evans, Lewis, Figg  
& Battagler, L.L.C.

3816 S. Greystone Court, Suite B  
Springfield, MO 65804

Telephone: 417-864-6401  
Facsimile: 417-864-4967  
Email: mray@lawofficemo.com

**Attorney for Co-Mo Electric Cooperative**

## CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on January 18, 2022, to the following:

Office of the Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, Missouri 65102  
opcservice@ded.mo.gov

Missouri Public Service Commission  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, Missouri 65102  
staffcounsel@psc.mo.gov

Wendy Tatro  
Director and Assistant General Counsel  
Ameren Missouri 1901 Chouteau Ave., MC 1310  
St. Louis, MO 63103  
AmerenMOService@ameren.com

/s/ Megan E. Ray

