

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

In the matter of the Application of Ameren Missouri	)	
d/b/a Union Electric Company and Laclede	)	Case No. EO-2013-
Electric Cooperative for Approval of an Addendum to	)	
An Approved Territorial Agreement.	)	

**JOINT APPLICATION FOR APPROVAL OF AN  
ADDENDUM TO AN APPROVED TERRITORIAL AGREEMENT**

Laclede Electric Cooperative ("Cooperative") and Union Electric Company d/b/a Ameren Missouri ("Company")(hereinafter individually an "Applicant" and jointly "the Applicants"), pursuant to and in accordance with (i) § 394.312.4, RSMo, (ii) 4 CSR 240-2.060, (iii) 4 CSR 240-3.110, and (iv) a territorial agreement previously approved by the Commission, hereby provides notice of, and requests the Commission approve, Addendum No. 2 to the Territorial Agreement. In support of their application, the Applicants state as follows:

**I. GENERAL**

1. Cooperative is a Missouri corporation that, as a rural electric cooperative organized under Chapter 394, RSMo, is engaged in the business of providing electricity and related services to its members. Its principal office and place of business is located at 1400 E. Route 66, P.O. Box M, Lebanon, MO 65536. Cooperative is not an "electrical corporation" or a "public utility", as those terms are defined in § 386.020, RSMo; consequently, Cooperative is not generally subject to the jurisdiction and supervision of the Commission, as provided by law.

2. Cooperative previously filed a certified copy of its Articles of Incorporation in Commission Case No. EO-93-166, and Cooperative incorporates those documents by reference in this case, as authorized by 4 CSR 240-2.060(1)(G). A Certificate of Good Standing from the Missouri Secretary of State, which establishes that Cooperative is duly authorized to conduct

business in the State of Missouri, is attached to this application as Appendix 1 and is incorporated herein by reference.

3. Company is a Missouri corporation that is engaged in the business of providing electrical and gas utility services to customers in its Missouri service areas. Its principal office and place of business is located at 1901 Chouteau Avenue, St. Louis, Missouri 63103. Company is an "electrical corporation," a "gas corporation," and a "public utility," as those terms are defined in § 386.020, RSMo; consequently, Company is subject to the general jurisdiction and supervision of the Commission, as provided by law.

4. Company has no overdue Commission Annual Reports or assessment fees, and it has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this application. Company has various cases pending before the Commission and various appellate courts of the State of Missouri, and a list of those cases is attached to this application as Appendix 2 and is incorporated herein by reference.

5. Company previously has filed certified copies of its Articles of Incorporation (Case No. EA-87-1055) and a copy of its Fictitious Name Registration (Case No. EN-2011-0069), and Company incorporates those documents by reference in this case, as authorized by 4 CSR 240-2.060(1)(G). A Certificate of Good Standing from the Missouri Secretary of State, which establishes that Company is duly authorized to conduct business in the State of Missouri, is attached to this application as Appendix 3 and is incorporated herein by reference.

6. Correspondence, communications, orders, and other documents and notices related to this application should be sent to the following representatives of the Applicants:

Rod Widger  
Andereck, Evans, Widger,  
Johnson & Lewis, LLC  
3816 S. Greystone Court  
Suite B  
Springfield, MO 65804  
rwidger@lawofficemo.com

Wendy Tatro  
Corporate Counsel  
Thomas Byrne  
Director and Assistant General Counsel  
Ameren Missouri  
1901 Chouteau Avenue  
P.O. Box 149 (MC 1310)  
St. Louis, MO 63166  
[amerenmoservice@ameren.com](mailto:amerenmoservice@ameren.com)

## **II. THE EXISTING TERRITORIAL AGREEMENT**

7. The Applicants previously entered into a Territorial Agreement, which designated the boundaries of each Applicant's respective exclusive service area for new structures erected in portions of Miller and Camden Counties. The Commission established Case No. EO-95-151 to consider that Territorial Agreement and approved the Territorial Agreement in a *Report and Order* dated February 9, 1995.

8. The Applicants subsequently entered into an Addendum to the Territorial Agreement which the Commission approved in Case No. EO-87-229 in a *Report and Order* dated January 28, 1997.

9. On or about February 5, 2013, the Applicants entered into a second addendum to the Territorial Agreement ("Addendum No. 2"). This second addendum is the subject of this case.

10. The approved Territorial Agreement sets forth the process to be used for agreeing upon and seeking approval of future addenda to the Territorial Agreement. It states as follows:

The parties may agree on a case-by-case basis to allow a structure to receive service from one party though the structure is located in the electric service area of the other.

Such Addendum referred to above shall be filed with the Missouri Public Service Commission with a copy to the Office of Public Counsel. There will be no filing fee for these Addendums.

If the Staff, Office of the Public Counsel, or the Commission on its own motion, do not submit a pleading objecting to the Addendum within forty-five (45) days of the filing therefore, the Addendum shall be deemed approved by the aforesaid parties and Staff shall file a recommendation with the Commission and the Commission may then issue an Order approving the Addendum. However, if a pleading in opposition to the Addendum is filed, then the Commission shall schedule an evidentiary hearing at the earliest reasonable opportunity to determine whether the Addendum should be approved.

### **III. THE PROPOSED ADDENDUM**

11. On or about February 5, 2013, the Applicants entered into an addendum to the Territorial Agreements, titled Addendum No. 2 to Territorial Agreement Between Union Electric Company and Laclede Electric Cooperative, Inc. ("Addendum No. 2"). A copy of Addendum No. 2 is attached to this application as Appendix 4 and is incorporated herein by reference.

12. Addendum No. 2 reflects the Applicants' agreement to amend their existing territorial agreement to allow a residential structure located at 864 Lowell Williams Road in Linn Creek, Missouri, which is owned by Nathan and Tiffany Williams, to receive electric service from Company even though that structure is located within Cooperative's exclusive service area. Cooperative, Company, and the Williams all agree that allowing Company to provide service to the Williams structure is both economical and practical. Although that alternative will require a minimal extension of Company's facilities, it is most cost-effective because Company's existing facilities are much closer to the Williams location than are those of the Cooperative.

13. Except for the change described in the preceding paragraph, Addendum No. 2 does not change any of the other terms or conditions of the Territorial Agreement. More specifically, Addendum No. 2 does not change the boundaries of the exclusive electric service

territories of either Cooperative or Company as set forth in the previously approved territorial agreement.

14. This Application includes the following supporting documents, which are identified below and are incorporated herein by reference:

- a. A diagram showing the location of the structures to be served (Appendix 5);
- b. Affidavits by representatives of Cooperative and Company that explain and justify the changes contained in Addendum No. 2 (Appendices 6 and 7, respectively); and
- c. Affidavits from the Williams that shows (i) they received notice that the electric service proposed to be provided represents an exception to the territorial agreements previously approved by the Commission, and (ii) they consent to be served by Company (Appendix 8).

15. Applicants will, on the filing date of this application, serve a copy of the application on the Secretary of the Commission, the Office of the Public Counsel, and the Chief Staff Counsel. Service of the application on these parties constitutes notice that the Applicants have entered into Addendum No. 2 and have requested the Commission to approve that agreement. The Commission Staff and the Office of the Public Counsel then have forty-five (45) days from the date they receive notice to oppose Addendum No. 2. If either of those parties fails to file a pleading expressing its opposition to Addendum No. 2 within that time, each such party will be deemed to have consented to approval of Addendum No. 2 by the Commission.

WHEREFORE, for all reasons stated in this application, the Applicants, having shown that allowing Company to provide service to the Williams is in the best interests of the customer and the Applicants and also is in the public interest, and having also provided notice of Addendum No. 2 in the manner prescribed in the Territorial Agreement and the *Report and*

*Order* approving that agreement, the Applicants respectfully request the Commission to issue an order that:

- (i) Approves Addendum No. 2;
- (ii) Authorizes Company to provide electric service to the Williams, as set forth in Addendum No. 2;
- (iii) Authorizes the Applicants to do such other acts and things, including making, executing, and delivering any and all documents that may be necessary, advisable, or proper to consummate the agreements reflected in Addendum No. 2 and implement the authority granted by the Commission in this case; and
- (iv) Grants such other relief as the Commission deems appropriate under the circumstances.

Respectfully submitted,

/s/ Wendy K. Tatro

**Wendy K. Tatro**, #60261  
Corporate Counsel  
1901 Chouteau Avenue, MC 1310  
P.O. Box 66149  
St. Louis, MO 63166-6149  
(314) 554-3484 (phone)  
(314) 554-4014 (facsimile)  
amerenmoservice@ameren.com

**ATTORNEYS FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI**

/s/ Rodric A. Widger

**Rodric A. Widger**  
Andereck, Evans, Widger, Johnson & Lewis, L.L.C.  
3816 S. Greystone Ct., Suite B  
Springfield, MO 65804  
[rwidger@lawofficemo.com](mailto:rwidger@lawofficemo.com)

Attorneys for Laclede Electric Cooperative, Inc.

# VERIFICATION

STATE OF MISSOURI                   )  
  ) ss  
CITY OF ST. LOUIS                   )

Michael Moehn, being duly sworn on oath, deposes and says that I am the Senior Vice President of Customer Operations for Union Electric Company d/b/a Ameren Missouri, that I have read the foregoing application, knows the contents thereof, and that the information contained in that application is true and correct to the best of my knowledge and belief.

I further says that I have full authority to: (a) enter into Addendum No. 2 to Territorial Agreement Between Union Electric Company and Laclede Electric Cooperative, Inc. dated on or about February 5, 2013, and (b) to file this application.

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

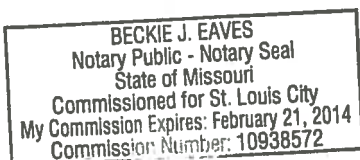
BY: \_\_\_\_\_

Michael Moehn

Subscribed and sworn to before me, the undersigned Notary Public in and for the county and state aforesaid, on the 12<sup>th</sup> day of March, 2013.

Beckie J. Eaves  
Notary Public

My Commission expires:



## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 12<sup>th</sup> day of March, 2013, to the following parties:

Missouri Public Service Commission  
Governor Office Building  
200 Madison Street – Suite 100  
Jefferson City, Missouri 65101  
[Staffcounsel@psc.mo.gov](mailto:Staffcounsel@psc.mo.gov)

Lewis Mills  
Public Counsel  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Kevin Thompson  
Chief Staff Counsel  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street – Suite 100  
Jefferson City, Missouri 65101  
[Kevin.Thompson@psc.mo.gov](mailto:Kevin.Thompson@psc.mo.gov)

/s/ Wendy K. Tatro



# STATE OF MISSOURI



Jason Kander  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, JASON KANDER, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

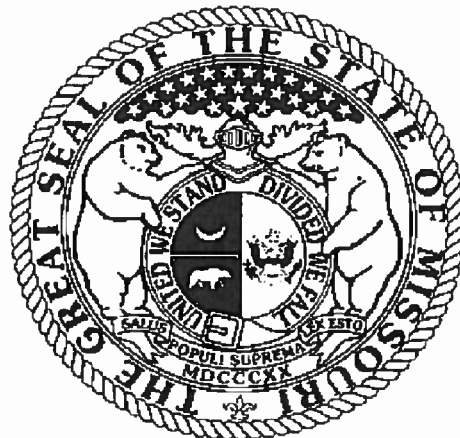
**LACLEDE ELECTRIC COOPERATIVE  
Q00061788B**

was created under the laws of this State on the 22nd day of September, 1938, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 5th day of February, 2013

A handwritten signature in cursive script, reading "Jason Kander".

Secretary of State



**Pending Cases – Customer Service & Rates**

**EC-2012-0050** Jimmie Small v. Ameren Missouri

**EC-2012-0365** Craig Mershon v. Ameren Missouri

**EO-2013-0307** In the Matter of Union Electric Company d/b/a Ameren Missouri's Voluntary Green Program/Pure Power Program Tariff Filing

**WD75980** In the Matter of Union Electric Company d/b/a Ameren Missouri's Filing for Authority to  
**(ER-2012-0166)** File Tariffs Increasing Rates for Electric Service Provided to Customers in the Company's Missouri Service Area

# STATE OF MISSOURI



Jason Kander  
Secretary of State

**CORPORATION DIVISION**  
**CERTIFICATE OF GOOD STANDING**

I, JASON KANDER, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

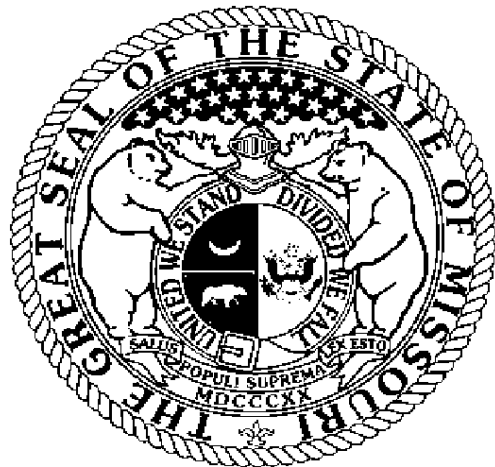
**UNION ELECTRIC COMPANY**  
**00040441**

was created under the laws of this State on the 21st day of November, 1922, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 5th day of February, 2013

A handwritten signature of Jason Kander in cursive script.

Secretary of State



**ADDENDUM NO. 2 TO TERRITORIAL AGREEMENT BETWEEN  
UNION ELECTRIC COMPANY AND LACLEDE ELECTRIC COOPERATIVE, INC.**

This Addendum No. 1 is entered into between Union Electric Company ("Company"), and Laclede Electric Cooperative, Inc. ("Cooperative"), hereafter referred to collectively as "Parties."

WHEREAS, the Parties have entered into a Territorial Agreement dated on or about October 14, 1994 ("Territorial Agreement"), which establishes exclusive service areas for each Party;

WHEREAS, said Territorial Agreement was approved by the Missouri Public Service Commission ("Commission") by Report and Order issued effective February 9, 1995 in Case No. EO-95-151;

WHEREAS, Section 6 of the Territorial Agreement permits the Parties to agree on a case-by-case basis by an Addendum to the Territorial Agreement to allow a new structure to receive service from one party though the structure is located in the electric service of the other;

WHEREAS, Nathan and Tiffany Williams have requested electric service to a new structure (a mobile home) located at 864 Lowell Williams Road in Linn Creek, Missouri, a location within the designated exclusive service territory of Cooperative;

WHEREAS, Company has facilities physically closer than those of Cooperative to the Williams' new structure making it more economic for Company to serve this new structure;

WHEREAS, the Williams are agreeable to having Company provide electric service to his mobile home;

NOW, THEREFORE, Company and Cooperative, in consideration of the mutual covenants and agreements herein contained, agree as follows:

1. Both Parties desire and consent to Company providing electric service to the Williams' new structure through the case-by-case addendum procedure contained in Section 6 of the Territorial Agreement. Notwithstanding the boundaries described in the Territorial Agreement, Company shall have the exclusive right to furnish electric service to the new structure located at 864 Lowell Williams Road in Linn Creek, Missouri.

2. The exclusive territories of the Parties, as described in the Territorial Agreement, are not modified by this Addendum. In executing this Addendum, its terms shall be interpreted

in light of the Territorial Agreement, including but not limited to, the definitions, principles, and procedures set forth therein.


3. Since this Addendum is subject to the approval of the Commission, the Parties agree to undertake all actions reasonably necessary to obtain said approval. In addition, each Party has the right to initiate temporary service, as defined by RSMo. Section 393.106, at its own expense, until the Commission approves or disapproves the Addendum.

4. THIS ADDENDUM SHALL BE DEEMED APPROVED BY THE COMMISSION STAFF OR THE OFFICE OF THE PUBLIC COUNSEL IF SAID PARTIES DO NOT SUBMIT A PLEADING OBJECTING TO THE ADDENDUM WITHIN FORTY-FIVE (45) DAYS OF THE FILING THEREOF.

5. If the Commission rejects this or any portion of this Addendum, then the entire Addendum shall be nullified and shall have no legal effect. Further, if all or part of this Addendum is declared invalid or void by a Court or other agency with competent jurisdiction, then this Addendum shall be deemed invalid and void.

IN WITNESS WHEREOF, the parties have executed this Addendum this 5<sup>th</sup> day of February, 2013.


UNION ELECTRIC COMPANY

By:   
Title: SVP

ATTEST:



LACLEDE ELECTRIC COOPERATIVE, INC.

By:   
Title: General Manager

ATTEST:

\_\_\_\_\_

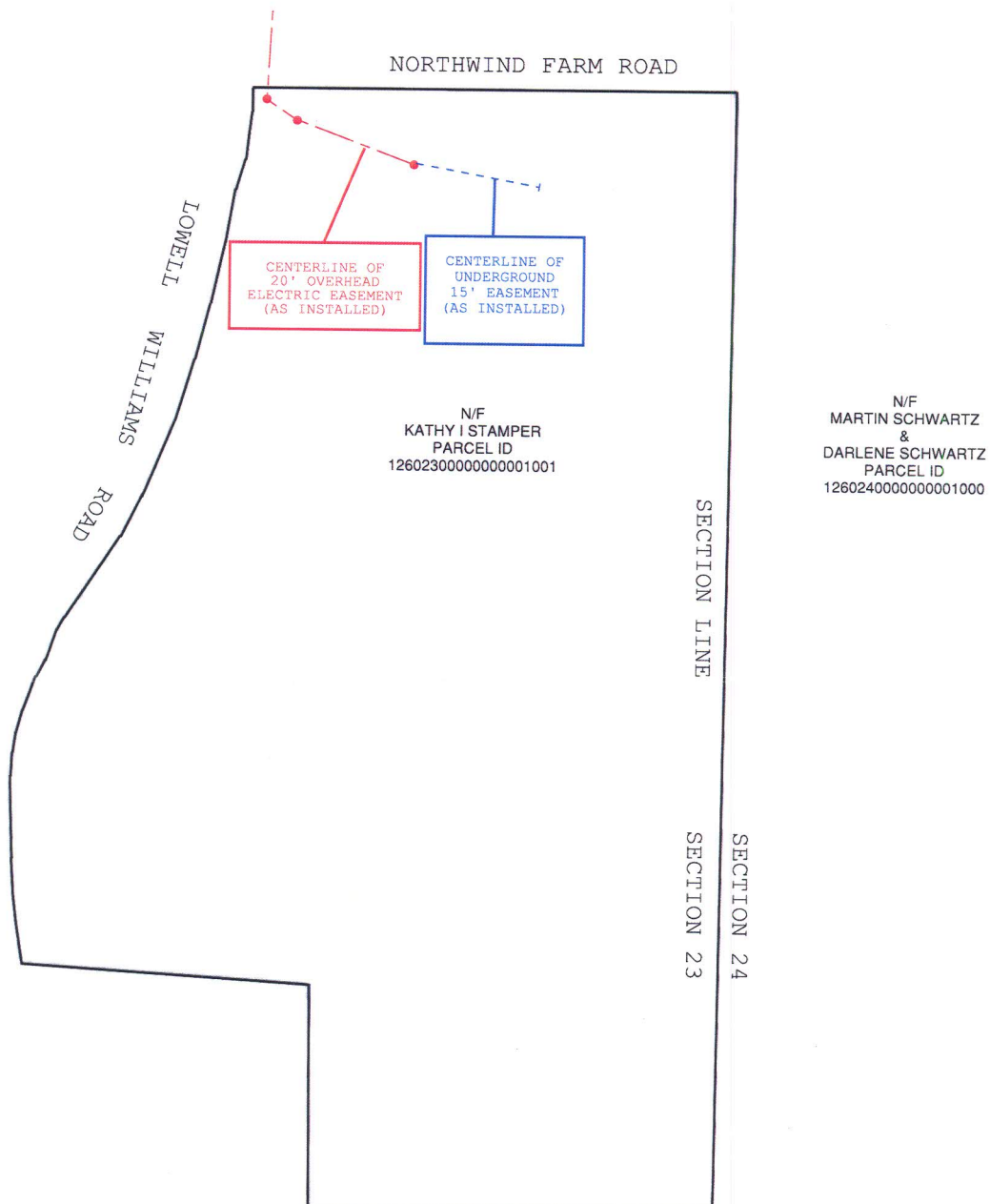
WD 0732-0312

# EXHIBIT 'A'

SECTION 23  
T 38 N, R 16 W  
CAMDEN COUNTY



NO SCALE



State of Missouri     )  
                                       ) SS  
 County of Laclede    )

**Affidavit of Kenneth L. Miller**

I, Kenneth L. Miller, being first duly sworn on my oath, state: Missouri

1.     My name is Kenneth L. Miller and I am General Manager, for Laclede Electric Cooperative, Inc.

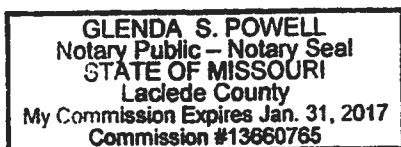
2.     I am familiar with the Territorial Agreement between Ameren Missouri and Laclede Electric Cooperative, Inc. dated on or about October 14, 1994 and with Addendum No. 2 thereto.

3.     As the General Manager of Laclede Electric Cooperative, Inc., I affirm the Cooperative's full support for the aforesaid Addendum No. 2 to the Territorial Agreement.

*Kenneth L. Miller*  
 General Manager

Subscribed and sworn to before me this 5th day of February, 2013.

*Glenda S. Powell*  
 Notary Public



State of Missouri     )  
                                   ) SS  
 City of St. Louis     )

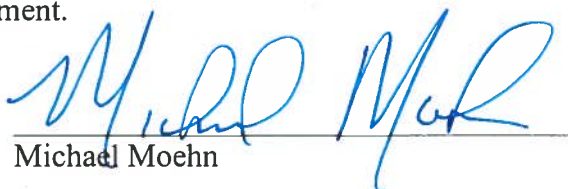
### Affidavit of Michael Moehn

I, Michael Moehn, being first duly sworn on my oath, state:

1. My name is Michael Moehn and I am Senior Vice President of Customer Operations for Ameren Missouri.

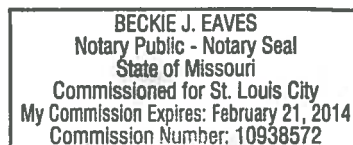
2. I am familiar with the Territorial Agreement between Ameren Missouri and Laclede Electric Cooperative, Inc. dated on or about October 14, 1994 and with Addendum No. 2 thereto.

3. As an officer of Ameren Missouri, I state the Company's full support for the aforesaid Addendum No. 2 of the Territorial Agreement.

  
 Michael Moehn

Subscribed and sworn to before me this 12<sup>th</sup> day of March, 2013.

  
 Notary Public



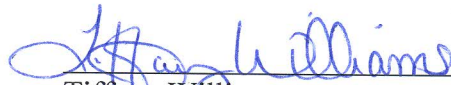


State of Missouri        )  
                                       ) SS  
 Camden County         )

### Affidavit of Tiffany Williams

I, Tiffany Williams, being first duly sworn on my oath, state:

1. My name is Tiffany Williams. My address 864 Lowell Williams Road, Linn Creek, Missouri.
2. I have requested Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") to provide electric service to my new home located 864 Lowell Williams Road in Linn Creek, Missouri. I understand that Laclede Electric Cooperative, Inc. ("Laclede") is unable to provide electric service without additional cost because of the distance involved. I understand that Ameren Missouri has facilities that are close to my property and can serve my property with less additional cost. I also understand that Ameren Missouri can provide electric service to my new structure by way of a case-by-case Addendum to the Territorial Agreement between Ameren Missouri and Laclede.
3. I acknowledge that both Ameren Missouri and Laclede have notified me that Ameren Missouri can provide service to my home only by an Addendum to a Territorial Agreement, because such service would be an exception to the Territorial Agreement boundaries, which were agreed to by Ameren Missouri and Laclede and approved by the Missouri Public Service Commission ("Commission"). Ameren Missouri and Laclede have also notified me that this Addendum would require consent of all parties and approval of the Commission.
4. I desire and consent to having Ameren Missouri provide electric service to my new home located 864 Lowell Williams Road in Linn Creek, Missouri. I also understand that both Ameren Missouri and Laclede consent to this service arrangement and have agreed to prepare a Territorial Agreement Addendum covering my case-by-case exception.
5. I desire and request that the Commission approve the Territorial Agreement Addendum as soon as possible.

  
 \_\_\_\_\_  
 Tiffany Williams

Subscribed and sworn to before me this 17 day of February, 2013.



HEIDI L. SHEWMAKER  
My Commission Expires  
May 16, 2015  
Morgan County  
Commission #11186510

Heidi Sheemaker  
Notary Public

State of Missouri       )  
                                  ) SS  
Camden County        )

**Affidavit of Nathan Williams**

I, Nathan Williams, being first duly sworn on my oath, state:


1. My name is Nathan Williams. My address is 864 Lowell Williams Road, Linn Creek, Missouri.

2. I have requested Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") to provide electric service to my new home located 864 Lowell Williams Road in Linn Creek, Missouri. I understand that Laclede Electric Cooperative, Inc. ("Laclede") is unable to provide electric service without additional cost because of the distance involved. I understand that Ameren Missouri has facilities that are close to my property and can serve my property with less additional cost. I also understand that Ameren Missouri can provide electric service to my new structure by way of a case-by-case Addendum to the Territorial Agreement between Ameren Missouri and Laclede.

3. I acknowledge that both Ameren Missouri and Laclede have notified me that Ameren Missouri can provide service to my home only by an Addendum to a Territorial Agreement, because such service would be an exception to the Territorial Agreement boundaries, which were agreed to by Ameren Missouri and Laclede and approved by the Missouri Public Service Commission ("Commission"). Ameren Missouri and Laclede have also notified me that this Addendum would require consent of all parties and approval of the Commission.

4. I desire and consent to having Ameren Missouri provide electric service to my new home located 864 Lowell Williams Road in Linn Creek, Missouri. I also understand that both Ameren Missouri and Laclede consent to this service arrangement and have agreed to prepare a Territorial Agreement Addendum covering my case-by-case exception.

5. I desire and request that the Commission approve the Territorial Agreement Addendum as soon as possible.

  
\_\_\_\_\_  
Nathan Williams

Subscribed and sworn to before me this 7th day of February, 2013.

  
\_\_\_\_\_  
Notary Public

**B.C. STONER**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Laclede County  
My Commission Expires: 2/16/2016  
Commission # 12363111