

ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.

ATTORNEYS AT LAW

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700 EAST CAPITOL AVENUE

COL. DARWIN MARMADUKE HOUSE

P.O. BOX 1438

JEFFERSON CITY, MISSOURI 65102-1438

TELEPHONE 573-634-3422

FAX 573-634-7822

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JASON A. PAULSMEYER

BRYAN D. LADE

CONNIE J. BURROWS

OF COUNSEL

MARVIN L. SHARP

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

PHIL HAUCK (1924-1991)

PHIL HAUCK (1924-1991)

December 19, 2003

Secretary
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED

DEC 19 2003

Re: EO-2004-0217

**Missouri Public
Service Commission**

Dear Secretary:

Enclosed please find an original and eight copies of the Response of Gasco Sage Electric Cooperative and Three Rivers Electric Cooperative to Commission Order.

Thank you for seeing this filed.

Sincerely,


Lisa Cole Chase

LCC:lw

Encl.

CC: John Coffman
Steve Dottheim
John Greenlee
Walt Ryan

Trenton Office
9th And Washington
Trenton, Missouri 64683
660-359-2244
Fax 660-359-2116

Springfield Office
1111 S. Glenstone
P.O. Box 4929
Springfield, Missouri 65808
417-864-6401
Fax 417-864-4967

Princeton Office
207 North Washington
Princeton, Missouri 64673
660-748-2244
Fax 660-748-4405

Smithville Office
119 E. Main Street
P.O. Box 654
Smithville, Missouri 64089
816-532-3895
Fax 816-532-3899

DEC 19 2003

Missouri Public
Service Commission

Case No. EO-2004-0217

COME NOW Gasco Sage Electric Cooperative and Three Rivers Electric

1. On December 9, 2003, the Commission issued an Order granting the Applicants *Joint Motion for Waiver of Commission Order to Provide Customer Notification*, and directing the Applicants to provide notice to all other electrical suppliers serving any part of the Counties affected by the Applicants' territorial agreement within ten days of the effective date of the Commission's Order. The Commission stated:

Staff further pointed out that the Joint Applicants had not filed proof of service on the other electrical suppliers serving the territory covered by the proposed

territorial agreement as required by Section 394.312.3, RSMo 2000. Staff suggest that such proof of service be filed.

2. To clarify that the Applicants did not intentionally overlook any filing requirements, the Applicants point out that there are currently no requirements for direct notice to be sent to other service providers under the Commission's rules. The Missouri statute, 394.312.3, RSMo 2000, states, "Applications for commission approval shall be made and notice of such filing shall be given to other electrical suppliers *pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity.*" The Commission's rules governing applications for certificates of public convenience and necessity, 4 CSR 240-2.060(4) and 4 CSR 240-3.105, do not require applicants to provide notice to other electrical suppliers. Nor is such notice required in the Commission's rules pertaining to territorial agreements: 4 CSR 240-2.060(13), and 4 CSR 240-3.130.

3. Applicants attach hereto copies of the letters mailed on December 12, 2003 to the other electrical suppliers.

ANDERECK, EVANS, MILNE,
PEACE & JOHNSON L.L.C.

By Lisa Chase
Victor S. Scott, Mo. Bar No. 42963
Lisa Cole Chase, Mo. Bar No. 51502
700 East Capitol Avenue
P.O. Box 1438
Jefferson City, MO 65102
Telephone: (573) 634-3422
Facsimile: (573) 634-7822
Email: VScott@aempb.com
Email: lisachase@aempb.com

ATTORNEYS FOR
GASCOSAGE AND
THREE RIVERS ELECTRIC
COOPERATIVES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served on all Parties of Record, via first-class U.S. Mail, postage prepaid, on this 9th day of December, 2003.

John Coffman
Office of the Public Counsel
P.O. Box 7800
200 Madison Street – Suite 640
Jefferson City, Missouri 65102

Steve Dottheim
Missouri Public Service Comm'n
P.O. Box 360
200 Madison Street – Suite 800
Jefferson City, Missouri 65102

Lisa Chase
Lisa Cole Chase

Gascosage Electric Cooperative

P.O. Drawer G

Dixon, MO 65459

PHONE (573) 759-7146

FAX (573) 759-6020



"People Helping People Since 1945"

December 12, 2003

Jim Hoss, Mayor
City of Newburg
PO Drawer K
Newburg, MO 65550

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Mr. Hoss:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102

and send copies to:

Victor S. Scott
Lisa Cole Chase
Andereck, Evans, Milne, Peace & Johnson, L.L.C.
700 East Capitol Ave.
PO Box 1438
Jefferson City, MO 65102-1438

and:

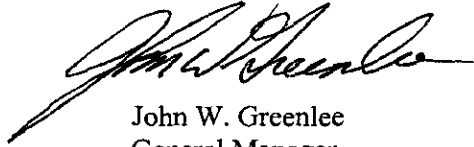
Office of the Public Counsel
PO Box 7800
Jefferson City, MO 65102

As you are aware, Territorial Agreements are entered into between two utilities to enable them to plan their infrastructure, network growth, and maintenance schedules on basis other than

competition between the two companies. Under Section 394.312.5 RSMo, "Commission approval of any territorial agreement entered into under the provisions of this section shall in no way effect or diminish the rights and duties of any supplier not a party to the agreement or of any electrical corporation authorized by law to provide service within the boundaries designated in such territorial agreement."

If you have any questions or concerns about this Territorial Agreement please feel free to contact John Greenlee, Gascoage Electric Cooperative (573-759-7146) or Walt Ryan, Three Rivers Electric Cooperative (573-897-2251), or their counsel Victor Scott or Lisa Chase at Andereck, Evans, Peace & Johnson (573-634-3422).

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Greenlee", written in a cursive style.

John W. Greenlee
General Manager

Gascosage Electric Cooperative

P.O. Drawer G

Dixon, MO 65459

PHONE (573) 759-7146

FAX (573) 759-6020



"People Helping People Since 1945"

December 12, 2003

Bob Wall, Mayor
City of Richland
PO 798
Richland, MO 65556

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Mr. Wall:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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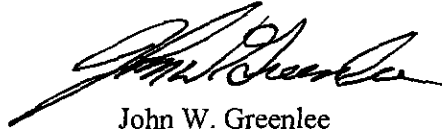
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John W. Greenlee
General Manager

Gascosage Electric Cooperative

P.O. Drawer G

Dixon, MO 65459

PHONE (573) 759-7146

FAX (573) 759-6020



"People Helping People Since 1945"

December 12, 2003

Tom Tinsley, Administrator
City of Waynesville
201 North Street
Waynesville, MO 65583

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Mr. Tinsley:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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Jefferson City, MO 65102-1438

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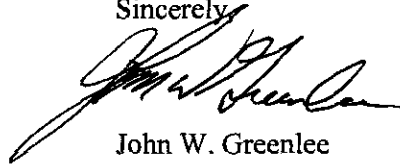
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PO Box 7800
Jefferson City, MO 65102

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John W. Greenlee
General Manager

Gascosage Electric Cooperative

P.O. Drawer G

Dixon, MO 65459

PHONE (573) 759-7146

FAX (573) 759-6020



"People Helping People Since 1945"

December 12, 2003

Norman Herren, Administrator
City of St. Robert
PO Box 1156
St. Robert, MO 65584

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Norman:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102

and send copies to:

Victor S. Scott
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Andereck, Evans, Milne, Peace & Johnson, L.L.C.
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Jefferson City, MO 65102-1438

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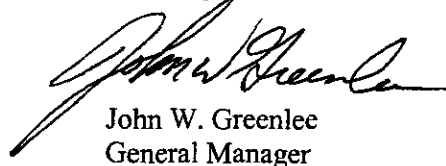
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PO Box 7800
Jefferson City, MO 65102

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Sincerely,

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John W. Greenlee
General Manager

Gascosage Electric Cooperative

P.O. Drawer G

Dixon, MO 65459

PHONE (573) 759-7146

FAX (573) 759-6020



"People Helping People Since 1945"

December 12, 2003

Vernon Strickland
Intercounty Electric Cooperative Assn.
PO Box 209
Licking, MO 65542

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Vernon:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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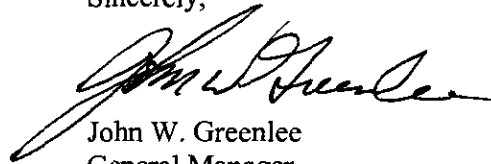
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PO Box 7800
Jefferson City, MO 65102

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John W. Greenlee
General Manager

Gascosage Electric Cooperative

P.O. Drawer G

Dixon, MO 65459

PHONE (573) 759-7146

FAX (573) 759-6020



"People Helping People Since 1945"

December 12, 2003

Ken Miller
Laclede Electric Cooperative
PO Box M
Lebanon, MO 65536

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Ken:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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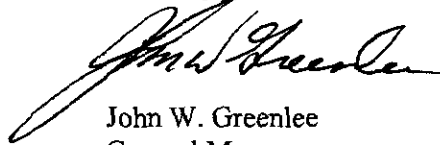
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Sincerely,

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John W. Greenlee
General Manager



THREE RIVERS ELECTRIC COOPERATIVE

1324 East Main Street • P. O. Box 918 • Linn, Missouri 65051

573-897-2251 • Fax 573-897-3511

December 12, 2003

Mr. Don Ernst, Manager/CEO
Co-Mo Electric Cooperative, Inc.
29868 Highway 5, PO Box 220
Tipton MO 65081-0220

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Mr. Ernst:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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700 East Capitol Ave.
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Jefferson City, MO 65102-1438

and:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

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Sincerely,

WALTER R. RYAN, General Manager

WRR/po



THREE RIVERS ELECTRIC COOPERATIVE

1324 East Main Street • P. O. Box 918 • Linn, Missouri 65051

573-897-2251 • Fax 573-897-3511

December 12, 2003

Ms. Marilyn Woolsey, Clerk
City Administrators Office
City of Saint James
200 North Bourbeuse
Saint James MO 65559

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Ms. Woolsey:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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Sincerely,

WALTER R. RYAN, General Manager

WRR/po



THREE RIVERS ELECTRIC COOPERATIVE

1324 East Main Street • P. O. Box 918 • Linn, Missouri 65051

573-897-2251 • Fax 573-897-3511

December 12, 2003

Mr. Chuck Brown, City Administrator
City of Hermann
207 Schiller Street
Hermann MO 65041

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Mr. Brown:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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Sincerely,

WALTER R. RYAN, General Manager

WRR/po



THREE RIVERS ELECTRIC COOPERATIVE

1324 East Main Street • P. O. Box 918 • Linn, Missouri 65051

573-897-2251 • Fax 573-897-3511

December 12, 2003

Ms. Mary Diestelkamp, Mayor
City of Owensville
107 W. Sears
Owensville MO 65066

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Ms. Diestelkamp:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

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Victor S. Scott
Lisa Cole Chase
Andereck, Evans, Milne, Peace & Johnson, L.L.C.
700 East Capitol Ave.
P.O. Box 1438
Jefferson City, MO 65102-1438

and:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102



THREE RIVERS ELECTRIC COOPERATIVE

1324 East Main Street • P. O. Box 918 • Linn, Missouri 65051

573-897-2251 • Fax 573-897-3511

As you are aware, Territorial Agreements are entered into between two utilities to enable them to plan their infrastructure, network growth, and maintenance schedules on basis other than competition between the two companies. Under Section 394.312.5 RSMo, "Commission approval of any territorial agreement entered into under the provisions of this section shall in no way affect or diminish the rights and duties of any supplier not a party to the agreement or of any electrical corporation authorized by law to provide service within the boundaries designated in such territorial agreement."

If you have any questions or concerns about this Territorial Agreement please feel free to contact John Greenlee, Gascosage Electric Cooperative (573-759-7146) or Walt Ryan, Three Rivers Electric Cooperative (573-897-2251), or their counsel Victor Scott or Lisa Chase at Andereck, Evans, Milne, Peace & Johnson (573-634-3422).

Sincerely,

WALTER R. RYAN, General Manager

WRR/po



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December 12, 2003

Mr. John Butz, City Administrator
City of Rolla
PO Box 979
Rolla MO 65402

RE: Application for Approval of Territorial Agreement between Gascosage Electric Cooperative and Three Rivers Electric Cooperative

Dear Mr. Butz:

This is to notify you that Gascosage Electric Cooperative and Three Rivers Electric Cooperative have entered into a Territorial Agreement to establish the exclusive service territory between these two companies in Camden, Cole, Franklin, Gasconade, Maries, Miller, Moniteau, Osage, Phelps and Pulaski Counties, Missouri. Gascosage and Three Rivers have filed an Application for Approval of their Territorial Agreement with the Commission in Case No. EO-2004-0217. The Missouri Public Service Commission has Ordered the Applicants to formally notify other electric service providers providing service in the above listed counties that this Application for Approval of Territorial Agreement has been filed, and that if any other service provider chooses to intervene, it must do so within ten days of receipt of this notice by filing an application for intervention with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

and send copies to:

Victor S. Scott
Lisa Cole Chase
Andereck, Evans, Milne, Peace & Johnson, L.L.C.
700 East Capitol Ave.
P.O. Box 1438
Jefferson City, MO 65102-1438

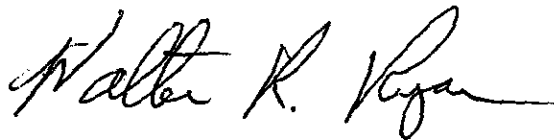
and:

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Sincerely,

A handwritten signature in black ink, appearing to read "Walter R. Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

WALTER R. RYAN, General Manager

WRR/po