

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 1<sup>st</sup> day of  
May, 2013.

In the Matter of the Application of Union Electric	)	
Company d/b/a Ameren Missouri and Laclede	)	<b><u>File No. EO-2013-0418</u></b>
Electric Cooperative for Approval of an Addendum	)	
to an Approved Territorial Agreement	)	

**REPORT AND ORDER APPROVING ADDENDUM  
TO TERRITORIAL AGREEMENT**

Issue Date: May 1, 2013

Effective Date: May 11, 2013

This decision approves Addendum No. 2 to the Territorial Agreement between Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) and Laclede Electric Cooperative (“Laclede Electric”) (collectively, “Applicants”), which will allow Ameren Missouri to provide electric service to a single residential structure located in Laclede Electric’s service territory.

**Findings of Fact**

On March 12, 2013, Ameren Missouri and Laclede Electric filed a joint application<sup>1</sup> with the Missouri Public Service Commission (“Commission”) for approval of a second addendum (“Addendum”) to their approved territorial agreement that designates the boundaries of exclusive service areas in Camden County and Miller County, Missouri. The Commission issued notice of the application and set an intervention deadline. There were no requests to intervene. The Staff of the Commission filed its recommendation on

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<sup>1</sup> The application was filed pursuant to Section 394.312.4, RSMo, 4 CSR 240-2.060, 4 CSR 240-3.110, and a territorial agreement previously approved by the Commission.

April 12, 2013. Staff states that the Addendum is not detrimental to the public interest and recommends Commission approval. More than ten days have elapsed since the filing of Staff's recommendation, and no party has filed a response to that recommendation.

Ameren Missouri is an "electrical corporation" and "public utility" as defined in Section 386.020, RSMo, with its principal place of business in St. Louis, Missouri. Laclede Electric is a rural electric cooperative pursuant to Chapter 394, RSMo, with its principal place of business in Lebanon, Missouri. Both companies provide electric service in portions of Camden County.

In Case No. EO-95-151, the Applicants requested and received Commission approval of a territorial agreement, which designated the boundaries of each Applicant's exclusive service area for new structures erected in portions of Camden County and Miller County, Missouri. The Commission subsequently approved an addendum to that territorial agreement in a report and order issued on January 28, 1997.

The proposed second Addendum to that territorial agreement would amend the existing territorial agreement to allow a single residential structure located at 864 Lowell Williams Road, Linn Creek, Camden County, Missouri, to receive electric service from Ameren Missouri even though that structure is located within Laclede Electric's exclusive service area. The owners of the property at 864 Lowell Williams Road have stated their desire and consent for Ameren Missouri to be the electric service provider to their property. Although the property lies within Laclede Electric's exclusive service area, Ameren Missouri's facilities are much closer to the property. Ameren Missouri providing electric service to the property would result in the most efficient use of electrical facilities available in that area of Camden County, Missouri and is the most economical solution available for

the property owners. Ameren Missouri is currently providing temporary service to those owners.

Based on the information contained in the joint application and on the recommendation of Staff, the Commission finds that the proposed Addendum is not detrimental to the public interest.

### **Conclusions of Law**

Section 394.312, RSMo 2000, gives the Commission jurisdiction over territorial agreements concerning electric service, including any subsequent amendment to such agreement. Under Section 394.312.4, RSMo 2000, the Commission may approve such a territorial agreement if the agreement is not detrimental to the public interest. As the Commission found in its findings of fact, the Addendum to the territorial agreement will not be detrimental to the public interest.

The existing territorial agreement establishes a procedure for the consideration of addendums to the territorial agreement to allow a new or existing structure to receive service from one company even though the structure is located in the territory of the other company. The agreement provides that once the companies have agreed upon and filed an addendum with the Commission, if the Commission's Staff or the Office of the Public Counsel do not file a pleading objecting to the addendum within 45 days, then the addendum shall be deemed approved by those parties. Even if Staff and Public Counsel have been deemed to approve, the submitted addendum is still subject to approval or rejection by the Commission. Public Counsel did not file a recommendation or objection within 45 days of the filing of the addendum. By the terms of the territorial agreement, Public Counsel is deemed to have approved the addendum.

Although Section 394.312.4, RSMo 2000, provides that the Commission is to hold an evidentiary hearing to determine whether a territorial agreement is to be approved, no party has requested a hearing. The requirement for a hearing is met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence.<sup>2</sup> Therefore, no hearing is necessary.

### **Decision**

Having considered the joint application and Staff's verified recommendation in support of approval of the application, the Commission finds that there are no facts in dispute and, therefore, accepts the facts as true. The Commission concludes that the submitted Addendum to the territorial agreement between the parties is not detrimental to the public interest and will be approved.

### **THE COMMISSION ORDERS THAT:**

1. The Addendum No. 2 to the territorial agreement between Union Electric Company d/b/a Ameren Missouri and Laclede Electric Cooperative is approved.
2. Union Electric Company d/b/a Ameren Missouri is authorized to provide electric service to the property as described in the joint application and as set forth in Addendum No. 2.
3. Union Electric Company d/b/a Ameren Missouri is authorized 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 order.

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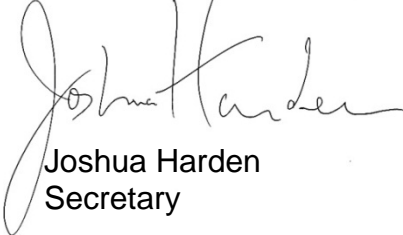
<sup>2</sup> *Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 SW2d 494 (Mo. App. W.D. 1989).

4. Union Electric Company d/b/a Ameren Missouri shall file with the Commission revised tariff sheets amending any descriptions of its service territory in Camden County, Missouri, that may be affected by the Addendum No. 2.

5. This order shall become effective on May 11, 2013.

6. This file may be closed on May 12, 2013.

**BY THE COMMISSION**



Joshua Harden  
Secretary

R. Kenney, Chm., Jarrett, Stoll,  
and W. Kenney, CC., concur.

Bushmann, Regulatory Law Judge