

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

In the Matter of the Application of The Empire)	
District Electric Company and White River Valley)	
Electric Cooperative for Approval of a Written)	<u>Case No. EO-2009-0284</u>
Territorial Agreement Designating the Boundaries of)	
Exclusive Service Areas within Taney County)	

**STAFF STATUS REPORT ON SIXTH TERRITORIAL AGREEMENT
BETWEEN THE EMPIRE DISTRICT ELECTRIC COMPANY AND
WHITE RIVER VALLEY ELECTRIC COOPERATIVE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and, for its status report on the application of The Empire District Electric Company and White River Valley Electric Cooperative, states:

1. On February 3, 2009, The Empire District Electric Company and White River Valley Electric Cooperative filed a joint application seeking approval of a territorial agreement.
2. Staff's investigation found that Lot 313 of Lake Taneycomo Acres (Exhibit A3) was part of a previous territorial agreement between Empire and White River under their Second Territorial Agreement the Commission approved in Case No. EO-96-176. That agreement contained case-by-case provisions for boundary structures by which a lot may be served by the other provider if Empire, White River and the property owner agree that the interest of all parties are advanced thereby.
3. On May 28, 2009, Empire filed the First Amendment to the Sixth Territorial Agreement. This amendment seeks to eliminate one of the exclusive areas addressed in the Sixth Territorial Agreement, so that it may be addressed by Addendum to the Second Territorial Agreement between the parties.

4. On May 28, 2009, Empire filed a Joint Motion for Approval of Second Addendum in Case No. EO-2009-0824. The second addendum to the Second Territorial addresses Lot 313 of Lake Taneycomo Acres.

5. According to Section 394.312.4 RSMo (2008), “Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission.”

6. The 120 day deadline contemplated in Section 394.312.4 will run on June 3, 2009.

7. There is good cause to rule on the application past the 120 day deadline because the First Amendment to the Sixth Territorial Agreement and the Joint Motion for Approval of the Second Addendum in EO-2009-0824 were first filed on May 28, 2009. Staff requests that the Commission extend the deadline for good cause shown and require Staff’s recommendation on June 10, 2009, at which time Staff would file recommendations in both EO-2009-0284 and EO-2009-0824.

WHEREFORE, in light of the recently filed First Amendment to the Sixth Territorial Agreement and Joint Motion for Approval of Second Addendum in EO-2009-0824, Staff respectfully requests that the Commission extend the 120 day deadline for ruling on the application for good cause and order Staff’s recommendations in both EO-2009-0284 and EO-2009-0824 no later than June 10, 2009.

Respectfully submitted,

/s/ Samuel D. Ritchie

Samuel D. Ritchie

Legal Counsel

Missouri Bar No. 61167

Attorney for the Staff of the
Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-4140 (Telephone)

(573) 751-9285 (Fax)

samuel.ritchie@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 1st day of June, 2009.

/s/ Samuel D. Ritchie