

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 14<sup>th</sup> day of  
December, 2011.

In the matter of the Application of	)	
Union Electric Company d/b/a Ameren Missouri	)	
And Cuivre River Electric Cooperative for	)	File No. EO-2012-0134
Approval of an Addendum to an Approved	)	
Territorial Agreement	)	

**FINAL DECISION  
APPROVING ADDENDUM TO TERRITORIAL AGREEMENT**

Issue Date: December 14, 2011

Effective Date: January 13, 2012

The Missouri Public Service Commission is approving an addendum to a territorial agreement (“agreement”)<sup>1</sup> between Union Electric Company d/b/a Ameren Missouri (“Company”) and Cuivre River Electric Cooperative (“Cooperative”). The addendum relates to new structures in Wright City, Missouri. The Commission’s approval is pursuant to the case-by-case exception procedure (“exception procedure”) that the Commission approved in the agreement and the standards governing the agreement.

**Procedure**

On November 1, 2011, the Company and the Cooperative filed an application seeking approval of an addendum to the agreement. The agreement includes an exception procedure. The exception procedure provides for modification of the agreement by the filing of an addendum.

An addendum, absent the filing of an objection within 45 days of the addendum’s filing date, represents all parties’ approval of its terms. No objection was filed. In addition,

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<sup>1</sup> Approved in File No. EO-2002-1091, *Report and Order*, issued Sept. 17, 2002; *Order Approving Tariffs in Compliance with Commission Order*, issued Nov. 15, 2002.

the Commission issued notice of this action with a deadline for filing applications to intervene. No application to intervene was filed. On December 9, 2011, Staff filed its recommendation, with a supporting affidavit, in favor of the application.

Because Staff recommends approval, no party filed an objection,<sup>2</sup> and the Commission determines not to convene a hearing on its own motion.<sup>3</sup> The parties' filings constitute a stipulation and agreement, and a waiver of hearing,<sup>4</sup> and permit the Commission to dispense with separately stated findings of fact.<sup>5</sup> The Commission independently finds and concludes as follows.

### **Findings and Conclusions**

The Cooperative is a rural electrical cooperative organized under the provisions of Chapter 394, RSMo. The Company is a public utility. Rodney D. Tate owns the proposed structure at issue: a residence ("structure"). The structure is 26200 Shady Lane, Wright City, Warren County, Missouri. That location is within the Cooperative's exclusive service territory as designated in the agreement.

The Company can serve the structures more economically and practically than the Cooperative. That is because Cooperative facilities are farther from the structure than Company facilities. Those facts support approval of the addendum under the standards applicable to the agreement.<sup>6</sup>

First, the addendum includes specific provisions for the Company to operate in the Cooperative's territory because it allows the Company to supply the structures.<sup>7</sup> Second,

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<sup>2</sup> The Office of the Public Counsel is a party to this action under 4 CSR 240-2.010(11) but has elected to enter no appearance.

<sup>3</sup> Section 394.312.9.

<sup>4</sup> Sections 394.310 and 536.060, RSMo 2000; and Section 394.312.5, RSMo Supp. 2010.

<sup>5</sup> Section 536.090, RSMo 2000.

<sup>6</sup> Section 394.312.4.

<sup>7</sup> Section 394.312.2.

“approval of the territorial agreement in total is not detrimental to the public interest.”<sup>8</sup> The public interest includes factors related to “efficient facilities and substantial justice between patrons and public utilities [.]”<sup>9</sup> Mr. Tate supports the application and other customers will benefit from avoiding unnecessary extension of facilities. Those facts show that the public interest weighs in favor of the application.

### **Decision**

Therefore, the Commission concludes that approval of the addendum is not detrimental to the public interest.

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

1. The *Application for Approval of an Addendum to an Approved Territorial Agreement* is granted and the addendum is approved.
2. Union Electric Company d/b/a Ameren Missouri (“Company”) may supply electricity to any structure described in the body of this decision.
3. The Company may take any action reasonably necessary under paragraph 2.
4. This decision is effective on January 13, 2012.
5. This file shall close on January 14, 2012.

**BY THE COMMISSION**

( S E A L )



Steven C. Reed  
Secretary

Gunn, Chm., Davis, Jarrett, and  
Kenney, CC., concur.

Jordan, Senior Regulatory Law Judge

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<sup>8</sup> Section 394.312.5.

<sup>9</sup> Section 386.610, RSMo 2000.