

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

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri and Farmers') **File No. EO-2018-0278**
Electric Cooperative for Approval of an Addendum)
to an Approved Territorial Agreement)

ORDER DIRECTING NOTICE, SETTING INTERVENTION DEADLINE AND DIRECTING STAFF RECOMMENDATION

Issue Date: April 10, 2018

Effective Date: April 10, 2018

On April 9, 2018, Farmers' Electric Cooperative (Farmers') and Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) filed a joint application with the Commission for approval of an addendum to an approved territorial agreement. The applicants propose to amend their existing territorial agreement to allow Farmers' to serve a three-phase irrigation pump currently within Ameren Missouri's service area. The application represents that approval of the addendum to the territorial agreement will not change any of the other terms or conditions of the territorial agreement or change the boundaries of the exclusive electric service territories of either Farmers or Ameren Missouri.

The law requires the Commission to rule on the application no later than 120 days from the application's filing date,¹ and provides the right to a hearing.² The right to a hearing on a territorial agreement signifies a contested case.³ A contested case is a formal

¹ Section 394.312.4, RSMo 2016.

² Section 394.312.5, RSMo 2016.

³ Section 536.010(4), RSMo 2016.

hearing procedure, but it allows for waiver of procedural formalities⁴ and a decision without a hearing,⁵ including by stipulation and agreement.⁶ This notice does not require any party to file an answer.⁷ The Commission's rules of discovery are set forth at 4 CSR 240-2.090.

The statutes provide that "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."⁸ No such regulation contains any provision for notice. Therefore, the Commission will order notice delivered to elected officials and published in newspapers. The Commission will also set a deadline for intervention and direct the filing of a staff recommendation.⁹

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send a copy of this order to the county commissioners of Livingston County, Missouri.
2. The Commission's Public Policy and Outreach Department shall make this notice available to the members of the General Assembly representing Livingston County, Missouri and to the newspapers and other media serving that county.

⁴ Sections 536.060(3) and 536.063(3), RSMo 2016.

⁵ Sections 536.060, RSMo 2016.

⁶ Section 394.312.5, RSMo 2016; 4 CSR 240-2.115.

⁷ Section 536.067(2)(d), RSMo 2016.

⁸ Section 394.312.4, RSMo 2016.

⁹ The Joint Application explains that the approved territorial agreement provides that unless Staff or the Office of the Public Counsel objects to the proposed addendum within 45 days of its filing they are to be deemed to be in agreement with the addendum. Nevertheless, the Commission will direct its Staff to file a recommendation within that 45-day period. .

3. Any person or entity wishing to intervene in this matter shall file an application to intervene no later than April 30, 2018. Such applications shall be filed by delivery to:

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

or by using the Commission's electronic filing and information system (EFIS).

4. Staff shall file its recommendation regarding the *Joint Application for Approval of an Addendum to an Approved Territorial Agreement* no later than May 25, 2018.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory Law Judge
by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of April, 2018.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 10th day of April 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 10, 2018

File/Case No. EO-2018-0278

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

County of Livingston, Missouri

County Commission Clerk
700 Webster St., Ste. 10
Livingston County Courthouse
Chillicothe, MO 64601

**Farmers' Electric Cooperative,
Inc.**

Dana J Macoubrie
2nd Floor, Citizens Bank & Trust
Building
P.O. Box 467
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Union Electric Company

Russ Mitten
312 E. Capitol Ave
P.O. Box 456
Jefferson City, MO 65102
rmitten@brydonlaw.com

Union Electric Company

Wendy Tatro
1901 Chouteau Avenue
St. Louis, MO 63103-6149
AmerenMOS@ameren.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.