

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
November, 2011.

In the matter of the Application of)	
Union Electric Company d/b/a Ameren Missouri and)	File No. EO-2012-0085
Cuivre River Electric Cooperative for Approval of an)	
Addendum to an Approved Territorial Agreement)	

**FINAL DECISION
APPROVING ADDENDUM TO TERRITORIAL AGREEMENT**

Issue Date: November 9, 2011

Effective Date: November 19, 2011

The Missouri Public Service Commission is approving an addendum to the Second Territorial Agreement (“agreement”) between Union Electric Company d/b/a Ameren Missouri (“Company”) and Cuivre River Electric Cooperative (“Cooperative”). The addendum relates to new structures near Troy, 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 such agreement.

Procedure

On September 19, 2011, the Company and the Cooperative filed an application seeking approval of an addendum to the agreement. The agreement includes an exception procedure.¹ 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,

¹ Set forth in the Appendix to this decision.

the Commission issued notice of this action with a deadline for filing applications to intervene. No application to intervene was filed. On October 25, 2011, Staff filed its recommendation, with a supporting affidavit, in favor of the application.

Because Staff recommends approval and no party filed an objection,² the parties' filings constitute a stipulation and agreement, and a waiver of hearing.³ The Commission determines not to convene a hearing on its own motion.⁴ 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. Mr. Ricky L. Schulte, Sr. owns the structures at issue: a new barn and mobile home ("structures"). The structures are in Township 49N, Range 1 W, Section 27, Lincoln County, Missouri. That location is near Troy, Missouri, and is within the Company's exclusive service territory as designated in the agreement.

The Cooperative can serve the structures more economically and practically than the Company. That is because Company service would require duplication of existing facilities while Cooperative service requires only a minor extension of facilities. Those facts support approval of the addendum under the standards applicable to the agreement.⁵

First, the addendum includes specific provisions for the Cooperative to operate in the Company's territory because it allows the Cooperative to supply the structures.⁶

² 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.

³ Sections 394.310 and 536.060, RSMo 2000; and Section 394.312.5, RSMo Supp. 2010. The parties' stipulation to facts, rather than merely to a result, also permits the Commission to dispense with separately stated findings of fact. Section 536.090, RSMo 2000.

⁴ Section 394.312.9.

⁵ Section 394.312.4.

⁶ Section 394.312.2.

Second, “approval of the territorial agreement in total is not detrimental to the public interest.”⁷ The public interest includes factors related to “efficient facilities and substantial justice between patrons and public utilities [.]”⁸ Mr. Schulte supports the application and other customers will benefit from avoiding duplication 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. Cuivre River Electric Cooperative (“Cooperative”) may supply electricity to the structures described in the body of this decision.
3. The Cooperative may take any action reasonably necessary under paragraph 2.
4. This decision is effective on November 19, 2011.
5. This file shall close on November 20, 2011.

(S E A L)

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

Jordan, Senior Regulatory Law Judge

BY THE COMMISSION



Steven C. Reed
Secretary

⁷ Section 394.312.5.

⁸ Section 386.610, RSMo 2000.

Appendix

10.1 The parties may agree on a case-by-case basis by an Addendum hereto to allow a Structure to receive service from one party though the Structure is located in the Exclusive Service Area of the other party.

10.2 Such Addendum shall be filed with the Executive Secretary of the Commission in the same manner as a motion or other pleading, with a copy submitted to the Office of Public Counsel. There will be no filing fee for these addenda.

10.3 Each Addendum shall consist of a statement identifying the Structure, the party to serve the Structure, the justification for the Addendum, and indicating that the parties support the Addendum.

10.4 Each Addendum shall be accompanied by a statement, signed by the customer to be served, which acknowledges such customer's receipt of notice of the contemplated electric service to be provided and that the Addendum represents an exception to the territorial boundaries approved by the Commission and shall indicate the customer's consent to be served by the service provided contemplated by the Addendum.

10.5 If the Commission Staff or Office of the Public Counsel do not submit a pleading objecting to the Addendum within forty-five (45) days of the filing thereof, the Addendum shall be deemed approved by the aforesaid parties. Each Addendum shall contain a statement in bold uppercase typeface indicating that the Staff or Office of the Public Council have forty-five (45) days to oppose the Addendum or else the Addendum shall be deemed approved by the aforesaid parties.

10.6 Each party, pursuant to an executed Addendum, shall have the right to provide temporary service, as defined in Section 393.106 RSMo., until the Commission approves or disapproves the Addendum. No party shall be required to remove any facilities installed pursuant to an agreement until the effective date of an Order of the Commission or a court regarding the removal of same.