

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

In the Matter of the Application of the City)
of Butler and Osage Valley Electric)
Cooperative for Approval of a First)
Territorial Agreement Designating the)
Boundaries of Exclusive Service Areas)
within the Portions of Bates County)

Case No. EO-2023-0126

PUBLIC COUNSEL’S RESPONSE TO AMENDED TERRITORIAL AGREEMENT

COMES NOW the Office of Public Counsel (Public Counsel) and responds to the City of Butler (“Butler”) and Osage Valley Electric Cooperative’s (“Osage Valley”) amended territorial agreement as follows:

1. Butler and Osage Valley amended their territorial agreement in response to a concern Public Counsel raised to them based on information disclosed in responses to data requests that Public Counsel issued to them. Public Counsel does not oppose their amended territorial agreement *per se*, but has concerns with the impact of that agreement on electricity consumers who have requested to be served by Osage Valley, not Butler.

2. To approve Butler and Osage Valley’s amended territorial agreement the Commission must determine that “the [amended] territorial agreement in total is not detrimental to the public interest.” § 394.312.5, RSMo.

3. Given that the Commission has fifteen pending applications to change suppliers from Butler to Osage Valley—those the Commission identified in the second paragraph of its October 7, 2022, *Order Directing Notice, Setting Deadline for Intervention, and Directing Staff Recommendation*—for service to parcels/structures that would be served by Butler exclusive of Osage Valley if the Commission were to approve their amended territorial agreement, Public Counsel does not see how the Commission can determine on the record before it that the amended territorial agreement in total is not detrimental to the public interest without also addressing those

