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WRITER'S AFTER-HOURS TELEPHONE EXTENSION: 136

BEN M. NEALE (1876-1966)  
CHARLES F. NEWMAN (1880-1968)  
JEAN PAUL BRADSHAW (1908-1970)  
FLAVIUS B. FREEMAN (1911-1995)  
PAUL L. BRADSHAW (1930-1986)

Retired:  
THOM G. FIELD

Of Counsel  
ANNE SALLEE MASON

FILED

JAN 23 2012

\*ALSO ADMITTED IN OKLAHOMA  
\*ALSO ADMITTED IN ARKANSAS  
\*\*ALSO ADMITTED IN KANSAS

Missouri Public  
Service Commission

January 18, 2012

Missouri Public Service Commission  
200 Madison Street  
PO Box 360  
Jefferson City, MO 65102-0360

**RE: *Empire District Electric and White River Valley Electric for Approval  
of a Seventh Written Territorial Agreement  
File No. E0-2012-0192  
Our File: 11645.01***

To Whom It May Concern:

Enclosed for filing in the above-referenced matter is the Certificate of Filing for the Ordinance Consenting to the White River Valley Electric Cooperative, Inc. Using Public Rights of Way Within Territory of The City of Sparta to Supply Electricity.

Thank you for your assistance in this matter. Please let me know if you have any questions.

Very truly yours,

  
Christiaan D. Horton

CDH/ske  
Enclosure

cc: Dean Cooper (w/encl.)  
Kevin Thompson (w/encl.)  
Lewis Mills (w/encl.)

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

**FILED**

JAN 23 2012

Missouri Public  
Service Commission

In the Matter of the Application of The )  
Empire District Electric Company and )  
White River Valley Electric Cooperative )  
for Approval of a Seventh Written )  
Territorial Agreement Designating the )  
Boundaries of Exclusive Service Areas )  
Within Christian and Taney counties )

File No. E0-2012-0192

**CERTIFICATE OF FILING**

**Now**, on this 18<sup>th</sup> day of January, 2012, White River Valley Electric Cooperative  
hereby submits its Certificate of Filing of:

**AN ORDINANCE CONSENTING TO THE WHITE RIVER VALLEY ELECTRIC COOPERATIVE, INC.  
USING PUBLIC RIGHTS OF WAY WITHIN TERRITORY OF THE CITY OF SPARTA TO SUPPLY  
ELECTRICITY IN THIS CAUSE.**

**NEALE & NEWMAN, L.L.P**

By 

Christiaan D. Horton, Mo Bar #46003

One Corporate Centre, Suite 1-130  
P.O. Box 10327  
Springfield, MO 65808-0327  
Telephone: 417-882-9090  
Facsimile: 417-882-2529 or 882-4988  
E-mail: [chorton@nnlaw.com](mailto:chorton@nnlaw.com)

*Attorneys for White River Valley  
Electric Cooperative*

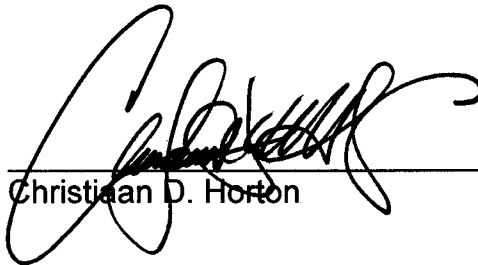
## CERTIFICATE OF SERVICE

The undersigned certified that a true and correct copy of the foregoing document was sent via electronic mail on January 18, 2012 to the following:

Kevin Thompson  
Office of the General Counsel  
Governor Office Building 8<sup>th</sup> Floor  
Jefferson City, Mo 65101  
Email: [kevin.thompson@psc.mo.gov](mailto:kevin.thompson@psc.mo.gov)

Lewis Mills  
Office of the Public Counsel  
Governor Office Building 6<sup>th</sup> Floor  
Jefferson City, MO 65101  
Email: [lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)

Dean L. Cooper  
Brydon, Swearngen & England  
312 E. Capitol Avenue  
PO Box 456  
Jefferson City, MO 65102-0456  
Email: [dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)



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Christian D. Horton

AN ORDINANCE CONSENTING TO THE WHITE RIVER VALLEY ELECTRIC COOPERATIVE, INC. USING PUBLIC RIGHTS OF WAY WITHIN TERRITORY OF THE CITY OF SPARTA TO SUPPLY ELECTRICITY

**WHEREAS**, the White River Valley Electric Cooperative, Inc. ("White River") and The Empire District Electric Company ("Empire Electric") have made application to the Missouri Public Service Commission ("MoPSC") seeking permission for White River to supply electricity in a certain portion of the City of Sparta presently within Empire Electric's service area; and

**WHEREAS**, the change of electric service provider will promote the cost effective and efficient use of existing electric facilities and distribution lines within the City of Sparta in the specific territory identified by White River and Empire Electric surrounding the Sparta High School and nearby sewer plant, all as more particularly described in MoPSC File No: EO-2012-0192 (the "Territory"); and

**WHEREAS**, White River, Empire Electric and the City of Sparta desire to make explicit White River's permission to use public rights-of-way owned and/or controlled by the City of Sparta within the Territory; and

**WHEREAS**, the City of Sparta is willing to provide its consent for White River to use its public rights-of-way within the Territory for White River's electric distribution lines, systems and related equipment and facilities within the Territory subject to the provisions set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SPARTA, MISSOURI**, as follows:

1. White River shall have all right, permission and authority to construct, reconstruct, excavate, place, maintain, operate and use all necessary or appropriate electric distribution lines, systems, facilities and equipment, with all necessary or appropriate appurtenances and appliances in connection therewith, including fiber optic communication lines, in, along, across, over and under the streets, roads, alleys, sidewalks, squares, bridges, and other public places within the corporate limits of the City of Sparta, as now fixed and as hereafter extended, and areas dedicated to the City for public utility use and within the Territory, for the purpose of furnishing, distributing, monitoring, and metering electric power. All such electric lines, systems, facilities, equipment, appliances and apparatus to be installed and

maintained shall be done so with due regard to the rightful use by other persons, vehicles, or otherwise, of the streets, roads, alleys, sidewalks, squares, bridges and other public places, and areas dedicated to the City for public utility use, and White River's exercise of the rights, permission and authority hereby granted shall at all times be subject to the proper regulation by the City in the exercise of its police powers.

2. All electric distribution lines, systems, facilities and equipment of White River in the City of Sparta and within the Territory shall be installed, maintained and operated in accordance with the applicable rules and regulations of the MoPSC and Rural Utility Service.
3. White River shall cooperate with the City of Sparta so that any construction, excavation, maintenance, repair or replacement of electric distribution lines, systems, equipment or related facilities planned by White River is coordinated with the City of Sparta in advance of commencement of work, and any injury to streets, roads, alleys, sidewalks, squares, bridges and other public places in the City caused by White River shall be timely repaired without cost to the City of Sparta.
4. If it shall become necessary for the City of Sparta in the exercise of its police power for a proper public purpose to change the grade, width, general structure or appurtenances including, but not limited to, storm sewer facilities, traffic control devices, street lights, curb and/or gutter, or any street, road, alley, sidewalk, square, bridge or other public place, which change shall require the relocation of any electric lines, equipment, systems or facilities of White River situated in such public places, White River shall, without cost to the City, unless agreed to otherwise, make such relocations as may be necessary to make such changes, it being understood that this provision is for the sole benefit of the City of Sparta and shall not relieve other persons, corporations partnerships, or governmental bodies of any obligations to pay such relocation costs as they may be obligated to pay as a matter of law or by reason of contractual or applicable tariff provisions.
5. This grant by the City of Sparta to White River shall become effective January 11<sup>th</sup>, 2012.

The motion to approve this ordinance was made by: Steve Otter.

The motion was seconded by: Jim Campbell.

The Aldermen of the City of Sparta voted for or against the ORDINANCE CONSENTING TO THE WHITE RIVER VALLEY ELECTRIC COOPERATIVE, INC. USING PUBLIC RIGHTS OF WAY WITHIN TERRITORY OF THE CITY OF SPARTA TO SUPPLY ELECTRICITY as follows:

Virginia Thompson voted:

Approve

Steve Otten voted:

APPROVED

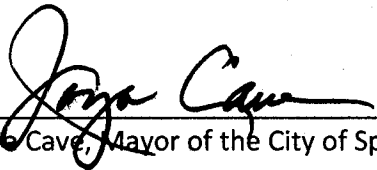
Adam Struble voted:

Approve

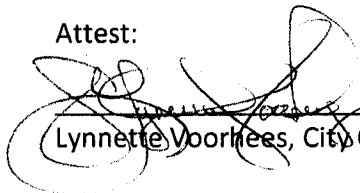
Jim Campbell voted:

approve

Passed and approved this 10<sup>th</sup> day of January 2012.

  
\_\_\_\_\_  
Joya Cave, Mayor of the City of Sparta, Missouri

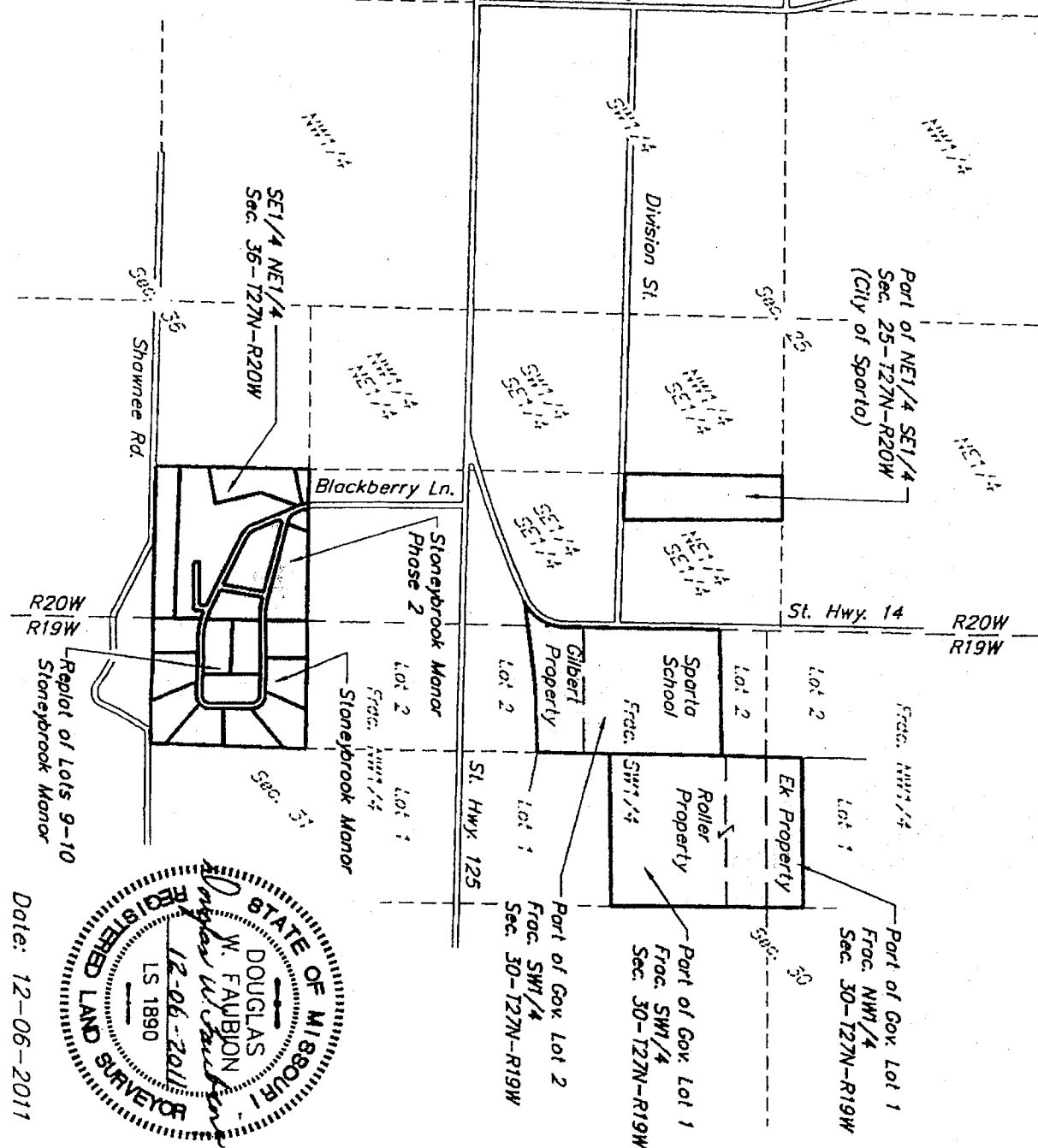
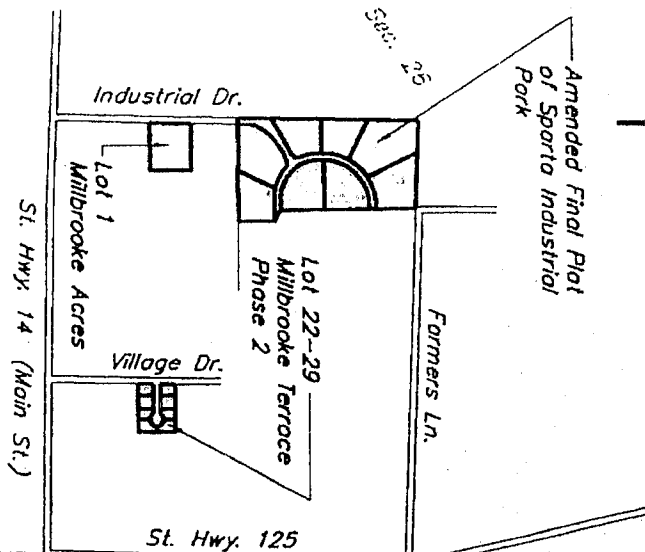
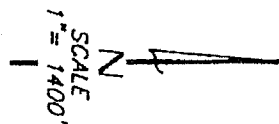
Attest:

  
\_\_\_\_\_  
Lynnette Voorhees, City Clerk

# EXHIBIT

## TERRITORIAL AGREEMENT

Part of Sections 30 & 31 - T27N - R19W and  
Part of Sections 25, 26 & 36 - T27N - R20W  
Christian County, Missouri



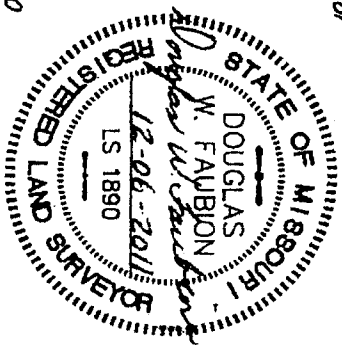
### PREPARED FOR:

White River Valley  
Electric Cooperative  
P.O. Box 969  
Bronson, MO 65615

### HDR ENGINEERING, INC.

P.O. BOX 969  
187 EAST DAVID  
FORSYTH, MISSOURI 65653  
(417) 546-3218

JOB NO. 155042.020



Date: 12-06-2011

JAN 2012

Land in Section 25, Township 27 North, Range 20 West

City of Sparta, school sewer plant Book 2009 Page 5605

A part of the Northeast Quarter of the Southeast Quarter of Section 25, Township 27 North, Range 20 West, of the 5<sup>th</sup> Principal Meridian, Christian County, Missouri, described as follows: Commencing from an iron pin (PLS-2199) set at the Southwest corner of said Northeast Quarter of the Southeast Quarter; thence North 1°16'48" East along the west line of said Northeast Quarter of the Southeast Quarter, 25.00 feet to an iron pin set at the point of intersection of said west line with the north right-of-way line of a county road currently known as Division Street and said iron pin marks the true point of beginning; thence continuing North 1°16'48" East along the west line of said Northeast Quarter of the Southeast Quarter, 1307.35 feet to an iron pin set at the Northwest corner of said Northeast Quarter of the Southeast Quarter; thence South 88°49'48" East along the north line of said Northeast Quarter of the Southeast Quarter, 400.00 feet to an iron pin; thence South 1°16'48" West, 1307.53 feet to an iron pin set at the point of intersection of said line with the north right-of-way line of a county road currently known as Division Street; thence North 88°49'48" West along said north right-of-way line of said Division Street, 400.00 feet to the above mentioned true point of beginning.

Land in Section 26, Township 27 North, Range 20 West

All of MILLBROOKE TERRACE PHASE 2, except Lot 30, being a subdivision in the City of Sparta, Christian County, Missouri, and being a part of the Southeast Quarter of the Southeast Quarter of Section 26, Township 27 North, Range 20 West, as recorded in Book "H" at Page 488, official records of Christian County, Missouri.

All of Lots 2, 3, 4, 5, 6, and 7 of the AMENDED FINAL PLAT OF SPARTA INDUSTRIAL PARK, a subdivision in the City of Sparta, Christian County, Missouri, as per plat recorded in Plat Book "H" at Page 160, official records of Christian County, Missouri.

All of Lot 1 of MILLBROOKE ACRES, a subdivision in the City of Sparta, Christian County, Missouri, as per plat recorded in Plat Book "G" at Page 836, official records of Christian County, Missouri.

Land in Section 31, Township 27 North, Range 19 West and Section 36, Township 27 North, Range 20 West

All of STONEYBROOK MANOR, a subdivision in the South Half of Lot 2 of the Northwest Quarter of Section 31, Township 27 North, Range 19 West, Christian County, Missouri, as recorded in Plat Book "G" at Page 731, official records of Christian County, Missouri.

All of the REPLAT OF LOTS 9 AND 10 OF STONEYBROOK MANOR, a subdivision being said Lots 9 and 10 and being part of the Southeast Quarter of the Northeast Quarter of Section 36, Township 27 North, Range 20 West, as recorded in Plat Book "G" at Page 809, official records of Christian County, Missouri.

All of the Southeast Quarter of the Northeast Quarter of Section 36, Township 27 North, Range 20 West, Christian County, Missouri, including STONEYBROOK MANOR PHASE 2, a subdivision in the City of Sparta, Christian County, Missouri, as recorded in Plat Book "G" at Page 908, official records of Christian County, Missouri.



Land in Section 30 Twp 27N R19W Christian County (Sparta)

Sparta School (Book 2004 Page 6035- Survey Reference Book V Pg 3207)

A tract of land being a part of Government Lot 2 of the Fractional Southwest Quarter of Section 30, Township 27 North, Range 19 West, Christian County, Missouri, described as follows: Commencing at the Northwest corner of Government Lot 2 of the Fractional Southwest Quarter of said Section 30; thence South 88°40'43" East along the north line thereof a distance of 31.70 feet to the east right-of-way line of Missouri State Highway 14; thence South 1°16'42" West along said right-of-way line a distance of 425.57 feet to the Point of Beginning; thence South 89°04'08" East, along the south line of a tract of land as recorded in Deed Book 318 at Page 9255, official records of Christian County, Missouri, a distance of 1107.53 feet to the east line of said Government Lot 2; thence South 1°02'06" West along said east line a distance of 1183.73 feet; thence South 88°57'54" East a distance of 1112.54 feet to the east right-of-way line of Missouri State Highway 14; thence North 1°16'42" East along said east right-of-way line a distance of 1181.73 feet to the Point of Beginning.

Gilbert Properties LLC (Book 2007 Page 16540- Survey Reference Book "V" Page 3207)

A tract of land being a part of the South Half of Lot 2 of the Fractional Southwest Quarter of Section 30, Township 27 North, Range 19 West in Christian County, Missouri, being more particularly described as follows: Commencing at the Northwest corner of the North Half of Lot 2 of the Fractional Southwest Quarter of said Section 30; thence South 88°40'43" East, along with the north Line of the North Half of Lot 2 of the Fractional Southwest Quarter of said Section 30, 31.70 feet to a point on the east right-of-way line of Missouri State Highway 14; thence South 1°16'42" West, along said east right-of-way line 425.57 feet; thence South 89°04'08" East, along the south line of a tract of land recorded in Deed Book 318 Page 9255, Christian County Recorder's Office, 1107.53 feet (1107.59 feet deed) to a point on the east line of said North Half of Lot 2 of the Fractional Southwest Quarter; thence South 1°02'06" West, along the east line of Lot 2 of the Fractional Southwest Quarter of said Section 30, 1183.73 feet to a Point of Beginning; thence South 1°02'06" West along said line, 386.93 feet; thence Southwesterly along a curve to the left having a central angle of 15°09'37", a radius of 3,465.79 feet, an arc length of 917.03 feet, a chord bearing of South 86°12'22" West, and a chord length of 914.36 feet; thence North 89°19'51" West, 340.75 feet to the east right-of-way of Missouri State Highway 14; thence along a curve to left along said right-of-way having a central angle of 47°58'44", a radius of 415.41 feet, an arc length of 347.86 feet, a chord bearing of North 25°16'04" East, and a chord length of 337.79 feet; thence North 1°16'42" East along said right-of-way, 158.05 feet; thence South 88°57'54" East, 1112.54 feet to the Point of Beginning. Subject to all easements and restrictions of record.

Ismael Ek Property Book 2008 Page 12348

All of Tract 2 of the Replat of Donal Luttrull's Minor Subdivision as recorded in Book "H" at Page 659 (slide 3289) in the official records of Christian County, Missouri.

Roller Property Book 2008 Page 21972, Book 326 Page 7053

All of the North Half of Government Lot 1 of the Fractional Southwest Quarter of section 30, Township 27 North, Range 19 West, Christian County, Missouri.