

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

In the Matter of the Application of The )  
Empire District Electric Company and )  
Ozark Electric Cooperative for Approval )  
Of a Written Territorial Agreement )  
Designating the Boundaries of Exclusive )  
Service Areas within Christian County )

**Case No. EO-2019-0381**

**MOTION FOR ORDER REJECTING JOINT APPLICATION  
OR ORDERING AMENDMENTS**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for this Motion for Order Rejecting Joint Application or Ordering Amendments states as follows:

1. On June 4, 2019, The Empire District Electric Company (“Empire”) and Ozark Electric Cooperative (“Ozark”) (collectively the “Applicants”) filed a Joint Application for a Commission order approving a territorial agreement pursuant to 4 CSR 240-2.060, 4 CSR 240-3.130, and RSMo. §394.312 and §416.041.

2. 4 CSR 240-2.060 provides in part that:

(1) All applications shall comply with the requirements of these rules and shall include the following information:

(M) All applications *shall be subscribed and verified by affidavit under oath* by one (1) of the following methods: if an individual, by that individual; if a partnership, by an authorized member of the partnership; if a corporation, by an authorized officer of the corporation; if a municipality or political subdivision, by an authorized officer of the municipality or political subdivision; or by the attorney for the applicant if the application includes or is accompanied by a verified statement that the attorney is so authorized. (Emphasis added)

3. Applicants' Joint Application is not "subscribed and verified by affidavit under oath" as required by 4 CSR 240-2.060 and should therefore be rejected or, at minimum, amended.

4. 4 CSR 240-3.130 provides in part that:

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements and petitions for designation of electric service areas shall include:

(A) *A copy of the proposed territorial agreement* and a specific designation of the requested boundaries, including maps showing the requested boundaries and a schedule of the applicable Townships, Ranges and Sections, by county. If the requested boundary cannot reliably be ascertained from the information supplied by the applicant, such applicant shall provide additional information as requested by the commission or its staff, if necessary, including the legal description of the area that is the subject of the application or petition. (Emphasis added)

5. Although Applicants' Joint Application states in paragraph number 5 that a copy of the applicable territorial agreement is attached as Appendix A, no such Appendix A is attached. There is an Exhibit A, but Exhibit A consists of merely a property description and survey. Therefore, since the Joint Application does not include a "copy of the proposed territorial agreement" as required by 4 CSR 240-3.130 it should be rejected or, at minimum, amended.

**WHEREFORE**, for the reasons set forth above, Staff moves the Commission for an order rejecting the Joint Application or ordering the Applicants to file amendments to the Joint Application.

Respectfully submitted,

**/s/ Jeffrey A. Keevil**

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Missouri Public Service Commission

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record this 6th day of June, 2019.

**/s/ Jeffrey A. Keevil**