

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Joint Application)
of Union Electric Company d/b/a)
Ameren Missouri, and Three Rivers) **File No. EO-2020-0315**
Electric Cooperative, Inc. for an Order)
Approving a Territorial Agreement in)
Cole and Osage Counties, Missouri)

ORDER DIRECTING NOTICE AND FILING

Issue Date: June 11, 2020

Effective Date: June 11, 2020

On May 27, 2020,¹ Union Electric Company, d/b/a Ameren Missouri (Ameren Missouri or Company), filed an application (Application) seeking authority to sell, transfer, and otherwise dispose of a portion of the Company's franchise, works, or system to Three Rivers Electric Cooperative (Three Rivers or Cooperative). The Company and the Cooperative also jointly applied for an order authorizing the transfer to Ameren Missouri of 270 customers currently receiving retail service from Three Rivers and the transfer to Three Rivers of 258 customers currently receiving retail service from Ameren Missouri. Additionally, the Company and the Cooperative jointly applied for authority establishing exclusive service territories in portions of Cole and Osage County, Missouri.

The law requires the Commission to rule on the Application no later than 120 days from its filing date² and provides the right to a hearing.³ The right to a hearing signifies a contested case.⁴ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁵ and a decision without a hearing,⁶ including by

¹ All date references will be to 2020 unless otherwise indicated.

² Section 394.312.4, RSMo 2016

³ Section 394.312.5, RSMo 2016.

⁴ Section 536.010(4), RSMo 2016.

⁵ Sections 536.060(3) and 536.063(3), RSMo 2016.

⁶ Sections 536.060, RSMo 2016.

stipulation and agreement.⁷ The Commission's rules of discovery are set forth at 20 CSR 4240-2.090. 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

Section 393.190.1, RSMo 2016, requires that when transactions such as described in the Application are submitted to the Commission for approval, the Commission must send notice "to the county clerk of each county in which any portion of a political subdivision which will be affected by such disposition is located." The Application identifies facilities subject to transfer in both Cole and Osage Counties. The proposed territorial agreement also concerns areas in both counties. The Commission will direct its Data Center to send a copy of this order to the county clerks and county commissions of Cole County and Osage County, Missouri. The Commission will also establish deadlines for persons wishing to intervene and a preliminary response from its Staff. With regard to further pleadings in this case, the Commission will direct the parties to address any need for a new certificate of convenience and necessity.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send a copy of this order to the county clerk and county commission of Cole and Osage Counties, Missouri.
2. The Commission's Public Information Officer shall make notice of this order available to the members of the General Assembly representing Cole and Osage Counties, Missouri, and to the news media serving those counties.

⁷ Section 394.312.5, RSMo 2016; 20 CSR 4240-2.115.

⁸ Section 394.312.4, RSMo 2016.

3. Any interested person wishing to intervene in this case shall file an application no later than July 10, 2020.

4. No later than July 17, 2020, the Staff of the Missouri Public Service Commission shall file a pleading stating when it anticipates filing its recommendation in this matter. The Staff's recommendation shall address whether a new certificate of convenience and necessity will be required.

5. This order shall become effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Paul T. Graham, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 11th day of June, 2020.