

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

In the Matter of the Joint Motion of Lewis)
County Rural Electric Cooperative Association)
and Union Electric Company d/b/a Ameren)
Missouri for Approval of a First Addendum to) **File No. EO-2022-0102**
the Parties' Territorial Agreement Designating)
the Boundaries of each Electric Service)
Supplier Within Portions of Scotland County)

**ORDER DIRECTING NOTICE, SETTING INTERVENTION
DEADLINE, AND DIRECTING STAFF RECOMMENDATION**

Issue Date: November 22, 2021

Effective Date: November 22, 2021

On October 6, 2021, The Lewis County Electric Cooperative Association (“Lewis County”) and Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) (collectively, “Applicants”), filed a *Joint Motion for Approval of First Addendum* for approval of an amendment to their written territorial agreement designating the boundaries of an exclusive service area. They ask the Commission to approve their First Addendum to Territorial Agreement (“Addendum”) pursuant to 20 CSR 4240-2.060, 20 CSR 4240-3.130 and Sections 394.312 and 416.041, RSMo. On October 15, the Commission issued a *Notice of Deficiency* in the matter requiring Applicants to file notice under Commission Rule 20 CSR 4240-4.017, and on November 19, the Applicants jointly filed a *Motion for Waiver of 60-Day Notice Requirement*, requesting waiver of notice required by 20 CSR 4240-4.017, pursuant to 20 CSR 4240-4.017(D).

The proposed Agreement concerns exclusive electric service areas within in Scotland County, Missouri. Subject to the terms of the Addendum, the Applicants state that they have agreed to a boundary change affecting a tract of land in Scotland County

described in the Addendum. They state that the purpose of the Agreement is to establish exclusive service territories for new structures for the two electric suppliers.

The law requires the Commission to rule on an application no later than 120 days from the application's filing date,¹ and provides the right to a hearing.² The right to a hearing on a territorial agreement signifies a contested case.³ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁴ and a decision without a hearing,⁵ including by stipulation and agreement.⁶ This notice does not require any party to file an answer.⁷ The Commission's rules of discovery are set forth at 20 CSR 4240-2.090.

The initial filing in this matter was deficient, and the deficiency was cured by the filing of the Applicants' *Motion for Waiver of 60-Day Notice Requirement* on November 19, 2021, thus the application's filing date is November 19, 2021. The Commission will order notice to elected officials and to the news media, and will set a deadline for intervention and direct the filing of a staff recommendation.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send a copy of this order and the *Joint Motion for Approval of First Addendum* to the County Commission of Scotland County, Missouri.

¹ Section 394.312.4, RSMo 2016.

² Section 394.312.5, RSMo 2016.

³ Section 536.010(4), RSMo 2016.

⁴ Sections 536.060(3) and 536.063(3), RSMo 2016.

⁵ Sections 536.060, RSMo 2016.

⁶ Section 394.312.5, RSMo 2016; 20 CSR 4240-2.115.

⁷ Section 536.067(2)(d), RSMo 2016.

2. The Commission's Public Information Office shall make notice of this order available to the members of the General Assembly representing Scotland County, Missouri, and to the newspapers serving that county.

3. Applications to intervene shall be filed no later than December 7, 2021.

4. The Commission's Staff shall file a recommendation, or a pleading describing when it will be able to file a recommendation, regarding the *Joint Motion* no later than December 22, 2021.

5. This Order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Ross Keeling, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 22nd day of November, 2021.

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

In the Matter of the Joint Motion of)
Lewis County Rural Electric Cooperative)
Association and Union Electric Company)
d/b/a Ameren Missouri for Approval) Case No. _____
of a First Addendum to the Parties')
Territorial Agreement designating the)
Boundaries of each electric service)
Supplier within portions of Scotland County)

JOINT MOTION FOR APPROVAL OF FIRST ADDENDUM

COME NOW Lewis County Rural Electric Cooperative Association (“Lewis County”) and UNION ELECTRIC COMPANY d/b/a Ameren Missouri (“Ameren Missouri”), hereinafter referred to collectively as “Movants,” by and through their respective counsel, and for their Joint Motion to the Missouri Public Service Commission (“Commission”), pursuant to the terms of the Territorial Agreement, for an order approving Movants’ First Addendum to Territorial Agreement (Addendum), respectfully state as follows:

1. **The Movants.** Lewis County is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 18256 Hwy 16, Lewistown, MO 63452. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within certain Missouri counties. Lewis County has no pending action or final judgments or decisions against it from any state or federal agency or court that involve its customer service or rates within the three years immediately preceding the filing of this Joint Application. Lewis County has no overdue annual report or assessment fees. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for Lewis County is attached hereto and marked **Appendix A**.

2. Ameren Missouri is a private investor owned electric and gas utility operating in various counties in the State of Missouri. Ameren Missouri has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or its rates, which have occurred within the three years immediately preceding the filing of this Joint Application. Ameren Missouri has no overdue annual report or assessment fees. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary is attached hereto and marked as **Appendix B**.

3. **Correspondence and Communication.** Correspondence, communications, and orders in regard to this Joint Application should be directed to:

Megan E. Ray
Andereck, Evans, Lewis, Figg & Battagler, LLC
3816 S. Greystone Ct., Ste. B
Springfield, MO 65804
417-864-6401 (telephone)
417-864-4967 (fax)
e-mail: mray@lawofficemo.com
Attorney for Lewis County

Eric Kendall Banks
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ericbanks@banksllc.com

and

Jermaine Grubbs, # 68970
Corporate Counsel
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St. Louis, MO 63166-6149
(314) 554-2041 (phone)
(314) 554-4014 (fax)
ArnerenMOService@ameren.com
Counsel for Union Electric Company d/b/a
Ameren Missouri

4. **The Territorial Agreement.** Subject to the terms and conditions of the Territorial Agreement between Lewis County and Ameren Missouri (“the Agreement”), Movants have specifically designated the boundaries of exclusive electric service areas within Scotland County, Missouri, which Agreement was executed by the parties hereto on March 30, 2000, and was approved by the Commission in Case No. EO-2000-0603 on July 21, 2000. Movants have attached a copy of the Territorial Agreement, in its form as approved by the Commission, to this Motion as **Appendix C**, which is incorporated by reference and made a part hereof for all purposes.

5. **Addendum.** Article 8 of the Territorial Agreement (p. 8) addresses addendums to vary the boundaries of the Territorial Agreement on a case-by-case basis. This Motion is filed in accordance with that provision.

Attached to this Motion is a copy of the First Addendum to the Territorial Agreement. The Addendum is marked **Appendix D** and is incorporated by reference and made a part hereof for all purposes. A map showing the tract subject to the Addendum was made a part of the Addendum.

6. **Customer Statement.** The parties have further attached as **Appendix E** the Affidavit of the owner of record of the Parcel, (Keith Zimmerman), giving his consent to the Addendum.

7. **No Changes of Suppliers.** The Addendum does not require transfer of any facilities or customers between the Movants, so no list of structures and persons whose utility service would be changed by the Addendum, as required by 20 CSR 4240-3.130(1)(E), is included.

8. **Other Electric Suppliers.** To Applicants’ knowledge and belief, there are no other electric suppliers serving in the areas covered by this Agreement.

9. **Public Interest.** The Addendum is in the public interest because it establishes exclusive service territories for new structures for the two electric suppliers. This Addendum also

minimizes a duplication of utility facilities to this particular Parcel. The establishment of exclusive service territories will prevent future duplication of electric service facilities, promote economic efficiencies, and benefit the public safety and aesthetics of the community. Lewis County currently has electric facilities located on the Parcel from which Lewis County can serve the Parcel.

10. **Service Responsibilities.** Each Movant will continue to have service responsibilities beyond the terms of the First Addendum unaffected thereby.

11. **Filing Fee.** Pursuant to 20 CSR 4240-3.130(4), no filing fee is required.

12. **Map of Service Area.** Pursuant to 20 CSR 4240-3.130(1)(A), maps of the area affected are attached as **Appendix F**.

13. **Illustrative Tariff.** Pursuant to 20 CSR 4240-3.130(1)(C), an illustrative tariff which reflects any changes in the utility's operations or certification is attached as **Appendix G**.

WHEREFORE, Applicants respectfully request that the Public Service Commission of Missouri issue its order:

- (a) Finding that the exclusive provision of electric service by Lewis County to the Parcel is not detrimental to the public interest and approving the Movants' First Addendum to Territorial Agreement; and
- (b) Authorizing Movants to perform in accordance with the terms and conditions of the First Addendum.

Respectfully submitted,

/s/ Eric Kendall Banks
Eric Kendall Banks, MBE #28655
Banks Law LLC
1824 Chouteau Avenue
St. Louis, Missouri 63103
314-583-7075 (telephone)
302-365-2789 (eFax)
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and

/s/ Jermaine Grubbs

Jermaine Grubbs, MBE# 68970
Corporate Counsel
P.O. Box 66149, MC 1310
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(314) 554-2041 (phone)
(314) 554-4014 (fax)
ArnerenMOService@ameren.com

**Counsel for Union Electric Company d/b/a
Ameren Missouri**

/s/ Megan E. Ray

Megan E. Ray #62037
Andereck, Evans, Lewis, Figg
& Battagler, L.L.C.
3816 S. Greystone Court, Suite B
Springfield, MO 65804
Telephone: 417-864-6401
Facsimile: 417-864-4967
Email: mray@lawofficemo.com

**Attorneys for Lewis County Rural Electric
Cooperative Association**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on October 6, 2021, to the following:

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, Missouri 65102
staffcounsel@psc.mo.gov

/s/ Eric Kendall Banks

VERIFICATION

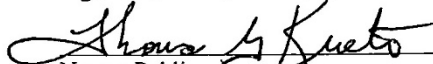
STATE OF MISSOURI)
) ss
COUNTY OF St Charles

Being first duly sworn, Ken E. Worland, states as follows: that he is the Director, Northeast Missouri Division of Ameren Missouri and that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that attorney Eric Kendall Banks and Jermaine Grubbs are authorized by Ameren Missouri to make this filing and represent the Company in this matter.



Ken E. Worland

Subscribed and sworn to before me this 30 day of September, 2021.



Notary Public



VERIFICATION

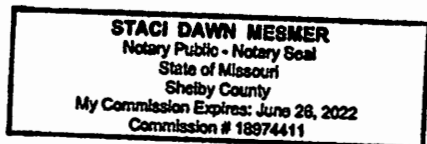
STATE OF MISSOURI)
) SS
COUNTY OF Shelby)

Being first duly sworn, Shawn Walling states as follows: that he is the CEO / General Manager of Lewis County Rural Electric Cooperative Association; that he has read the foregoing application; that the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief; and, that Megan E. Ray of Andereck, Evans, Lewis, Figg & Battagler, L.L.C. is authorized by Lewis County Rural Electric Cooperative Association to make this filing and represent it in this matter.

Shawn A Walling PE
Shawn Walling

Subscribed and sworn to before me this 24 day of August 2021.

Staci Mesmer
Notary Public



STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 22nd day of November, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 22, 2021

File/Case No. EO-2022-0102

Missouri Public Service Commission
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Office of the Public Counsel
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County of Scotland, Missouri
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117 S Market St., Ste 100
Scotland County Courthouse
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scotland@sos.mo.gov

Lewis County Rural Electric Cooperative
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Missouri Public Service Commission
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Union Electric Company
Jermaine Grubbs
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AmerenMOService@ameren.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.