

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of The City)
of St. Robert and Laclede Electric)
Cooperative for Approval of a First)
Addendum to the Parties' Second) **File No. EO-2022-0143**
Territorial Agreement Designating the)
Boundaries of Exclusive Service Areas)
Within Portions of Pulaski County)

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

Issue Date: December 2, 2021

Effective Date: December 2, 2021

On November 29, 2021, the City of St. Robert, Missouri, and Laclede Electric Cooperative (Laclede), jointly filed an application (Joint Application) seeking Commission approval of an addendum to an existing territorial agreement. Section 394.312.4, RSMo (2016) generally requires that the Commission act on the application no later than 120 days after the application was filed, which is March 29, 2022. The territory concerned is located wholly within Pulaski County, Missouri.

The stated purpose of the Joint Application is to allow Laclede to provide electrical service to three parcels of land within the city limits of St. Robert, Missouri. Laclede currently serves this customer through meters on adjacent parcels. The agreement does not require transfer of any customers. The Joint Application states there are no other known electrical suppliers serving the territory concerned.

The Commission will order notice to other electric service providers, if any, and to news media and elected officials in Pulaski County, Missouri. The Staff of the Commission (Staff) will be directed to file a recommendation regarding the application to approve the addendum.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall mail a copy of this order and the Joint Application to other electric service providers in Pulaski County, if any, and to the County Commission of Pulaski County, Missouri.
2. The Commission's Public Policy and Outreach Department shall make notice of this order and the Joint Application available to the media serving Pulaski County, and to the members of the General Assembly representing Pulaski County.
3. Any entity wishing to intervene in this matter shall file an application to do so no later than December 22, 2021.
4. On or before January 18, 2022, Staff shall file its recommendation in this matter or a request for an extension of time.
5. This order shall be 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

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,
on this 2nd day of December, 2021.

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OF THE STATE OF MISSOURI**

In the Matter of the Application of The)
City of St. Robert and Laclede Electric)
Cooperative for Approval of a First)
Addendum to the Parties' Second)
Territorial Agreement Designating the)
Boundaries of Exclusive Service Areas)
Within Portions of Pulaski County)

File No. _____

JOINT APPLICATION

COME NOW The City of St. Robert (City) and Laclede Electric Cooperative (Laclede) (collectively, Applicants), by and through their respective counsel, and for their Joint Application to the Missouri Public Service Commission (the "Commission"), pursuant to 4 CSR 240-2.060, 4 CSR 240-3.130, and RSMo. §394.312 and §416.041, for an order approving Applicants' First Addendum to the Parties' Second Territorial Agreement (Agreement), respectfully state as follows:

The Applicants

1. City is a Missouri city of the 4th Class organized and existing under the laws of Missouri with its principal office located at 194 Eastlawn Ave., St. Robert, Missouri. City is engaged in the business of providing electrical and water utility services to the citizens of the City within city limits.
2. City has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this Application. City has no overdue Commission annual reports or assessment fees.
3. Laclede is a rural electric cooperative organized and existing pursuant to Chapter 394, RSMo, with its headquarters located at 1400 U.S. Rte. 66, Lebanon, Missouri 65536. 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. Laclede has no pending or final judgments or decisions against it from any state or federal agency or court which involve its customer service or rates within the three years immediately preceding the filing of this Joint Application. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for Laclede was filed in Case No. EO-2013-0418 and is incorporated herein by reference.

Correspondence and Communication

4. Correspondence, communications, orders, and decisions in regard to this Application should be directed to:

Tyce Smith, # 26703
Smith & Turley
PO Box 494
Waynesville, MO 65583
Telephone: (573) 336-5222
Facsimile: (573)336-2282
Email: tyce@smithturley.com

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

The Territorial Agreement

5. **The Service Areas.** Subject to the terms and conditions of the First Addendum to the Second Territorial Agreement between Laclede Electric Cooperative and the City of St. Robert (the "Agreement"), the Applicants have agreed to a boundary change affecting three parcels of land within the City of St. Robert, as described in Paragraph 4 of the First Addendum

to the Second Territorial Agreement. Applicants have attached a copy of the Agreement to this Application as **Appendix A**, which is incorporated by reference into this Application and made a part hereof for all purposes. As required by 4 CSR 240-3.130(1)(A), a metes and bounds description and a map of the area affected by the First Addendum to the Second Territorial Agreement are a part of the Agreement and are incorporated by reference into this Application and made part hereof for all purposes. Each Applicant will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Territorial Agreement.

The purpose of this Addendum to the Second Territorial Agreement is to allow Laclede to provide electrical service to three parcels of land within the city limits of St. Robert, Missouri. Laclede currently serves this consumer/member through meters on adjacent parcels. Laclede has existing facilities within the immediate area of the parcels and only minor transformer, meter and service lateral wire installations would be required to serve the parcels. The City does not have facilities located in the immediate vicinity of the parcels from which it could provide electric service.

6. **No Changes of Suppliers.** The Agreement does not require transfer of any facilities or customers between the Applicants, so no list of structures and persons whose utility service would be changed by the Agreement, as required by 4 CSR 240-3.130(1)(E), is included.

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

8. **Public Interest.** The Agreement is not detrimental to the public interest and the proposed change in electric service area designation is in the public interest, because the Agreement allows Laclede to provide electric service to the parcels that are otherwise unable to

receive electric service. This will also prevent duplication of electric service facilities as Laclede has facilities in immediate area of these parcels.

WHEREFORE, Applicants respectfully request that the Commission issue its report and order: (a) finding that the designation of electric service areas is not detrimental to the public interest and approving the Applicants' First Addendum to the Parties' Second Territorial Agreement; and (b) authorizing Applicants to perform in accordance with the terms and conditions of the Agreement.

Respectfully submitted,

ATTORNEYS FOR THE CITY:



Tyce Smith, # 216708
Smith & Turley
PO Box 494
Waynesville, MO 65583
Telephone: (573) 336-5222
Facsimile: (573)336-2282
Email: tyce@smithturley.com

ATTORNEYS FOR LACLEDE
ELECTRIC COOPERATIVE:



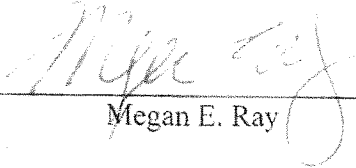
Megan E. Ray #62057
Anderreck, Evans, Lewis, Figg & Battagler, L.L.C.
3816 S. Greystone Court, Suite B
Springfield, MO 65804
Telephone: 417-864-6401
Facsimile: 417-864-4967
Email: mray@lawofficemo.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on November 29, 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



Megan E. Ray

VERIFICATION

STATE OF MISSOURI)
) ss
COUNTY OF Pulaski)

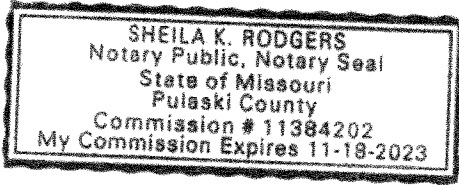
Being first duly sworn, Tyce S. Smith states as follows: that he is the attorney of the City of St. Robert and that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that attorney Tyce Smith is authorized by the City of St. Robert to make this filing and represent the City in this matter.

Tyce S. Smith

Tyce S. Smith

Printed Name

Subscribed and sworn to before me this 10th day of November 2021.



Sheila K. Rodgers

Notary Public

VERIFICATION

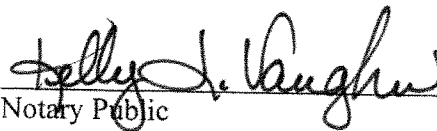
STATE OF MISSOURI)
) ss
COUNTY OF Laclede)

Being first duly sworn, Marc Roecker states as follows: that he is the Manager of Laclede Electric Cooperative; 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 Laclede Electric Cooperative to make this filing and represent it in this matter.

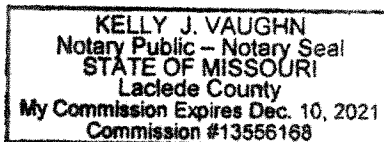


Marc Roecker

Subscribed and sworn to before me this 23 day of November, 2021.



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 2nd day of December, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 2, 2021

File/Case No. EO-2022-0143

**Missouri Public Service
Commission**

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

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

City of St. Robert, Missouri

Tyce Smith
243 VFW Memorial Drive
P.O. Box 494
Waynesville, MO 65583
tyce@smithturley.com

County of Pulaski, Missouri

County Commission Clerk
301 Historic Rt. 66 E., Ste. 101
Pulaski County Courthouse
Waynesville, MO 65583
pcmoclerk@gmail.com

Laclede Electric Cooperative

Megan E Ray
3816 S Greystone Ct., Suite B
Springfield, MO 65804
mray@lawofficemo.com

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

Sincerely,



**Morris L. Woodruff
Secretary**

Distributed to Electric Service Providers in Pulaski County, Missouri

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