

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

In the Matter of the Joint Application of Co-)
Mo Electric Cooperative and Union Electric)
Company d/b/a Ameren Missouri for an) **File No. EO-2022-0332**
Order Approving a Territorial Agreement in)
Cooper, Cole, and Moniteau Counties,)
Missouri)

**STAFF’S REQUEST FOR RECOMMENDATION
DEADLINE EXTENSION**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), through the undersigned counsel, and requests the Commission’s order extending Staff’s recommendation deadline to November 23, 2022. Co-Mo Electric Cooperative, Union Electric Company d/b/a Ameren Missouri, and the Office of Public Counsel consent to the requested extension.

On September 22, 2022,¹ the Commission issued its order requiring Staff to file a recommendation no later than September 29. On September 29, Staff filed a Request for Suspension of Order to File Recommendation, which the Commission sustained on September 29. On September 29 the Commission also ordered Co-Mo Electric Cooperative and Union Electric Company d/b/a Ameren (“Co-Mo” and “Ameren”) to file a modified legal description or status report no later than October 14. Co-Mo and Ameren did so on and then filed a Joint Submission of Addendum to Territorial Agreement on October 19. On October 24, the Commission ordered Staff to file a recommendation about the proposed territorial agreement, legal description, and addendum no later than October 31 and Co-Mo and Ameren to file any responses no later than November 3.

¹ All date references will be to 2022 unless otherwise stated.

Staff asks the Commission to extend the deadline for its recommendation to November 23. Ameren, Co-Mo nor OPC object. As well as the ordinary press of business, Staff counsel and the technical staff are all involved in several rate cases: GR-2022-0179 (Spire); ER-2022-0337 (Ameren); and WR-2022-0303 (MAWC). In addition, Staff has a deadline of November 7 for a recommendation regarding a territorial agreement case (EO-2023-0126), which was filed in relation to fifteen change of supplier requests; and change of electric service provider cases with recommendations due October 31 (EO-2022-0320) and November 18 (EO-2023-0105).

The instant case involves a territorial agreement which, as Staff understands it, now encompasses some 20,000 acres in several counties; and which substantially expands upon Co-Mo's initial application, filed in EO-2022-0190, requesting a designation of service boundaries that encompassed approximately 200 acres in a single county. The expansion occasioned a local public hearing, a great deal of input from the public, and, as Staff understands it, modifications to the proposed service boundaries responsive to public concerns. The expansion also occasioned a need to survey the 20,000 acres involved and, because of the time required for the survey, a delay of several months in processing the case.

Staff has, of course, actively participated in all aspect of the case(s), but Staff, nevertheless, has a duty to do full due diligence prior to issuing a recommendation. In light of Staff's workload and the press of business, Staff states that it needs at least thirty (30) days in which to do its due diligence with respect to the proposed territorial agreement, addendums and survey. Staff asks the Commission for the indulgence which

Ameren and Co-Mo received during the long period of time consumed in their obtaining a survey.

A final note about deadlines: Section 394.312.3, RSMo, states:

Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after application is properly filed with the secretary of the commission.

Rule 20 CSR 4240-3.130 (1)(A) requires that territorial agreement applications include:

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.

The rule continues:

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.

The rule states at (2):

If any of the information required by subsections (1)(A)-(E) of this rule is unavailable at the time the application is filed, the application must be accompanied by a statement of the reasons the information is currently unavailable and a date by which it will be furnished. All required information shall be furnished prior to the granting of the authority sought.

The record before the Commission in this case clearly shows that the Commission did not actually have the information required for a report and order prior to October 19 when Co-Mo and Ameren filed their Joint Submission of Addendum to Territorial Agreement; and certainly did not have the information required before the Joint Submission of Legal Descriptions occurred on September 12. Staff, accordingly, respectfully asks the Commission to conclude that Staff's request for a deadline extension to November 23 is reasonable.

WHEREFORE, the Staff respectfully prays the Commission's order extending its deadline recommendation to November 23, 2022.

Respectfully submitted,

/s/ Paul T. Graham

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CERTIFICATE OF SERVICE

The undersigned certifies by his signature below that on October 25, 2022, he filed the above captioned pleading in the EFIS file of the Missouri Public Service Commission.

/s/ Paul T. Graham