

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 4th day of January, 2023.

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

**ORDER EXTENDING THE TIME FOR A COMMISSION DECISION,
DENYING PUBLIC COUNSEL’S REQUEST FOR WRITTEN NOTICE TO
ALL LANDOWNERS, AND ORDERING A RESPONSE**

Issue Date: January 4, 2023

Effective Date: January 4, 2023

On May 27, 2022, Co-Mo Electric Cooperative and Union Electric Company d/b/a Ameren Missouri (collectively, “Applicants”) filed a stipulation and agreement along with a territorial agreement in File No. EO-2022-0190. The Applicants contemplate the approval of the stipulation and agreement along with the proposed territorial agreement. The Commission opened File No. EO-2022-0332 to address the territorial agreement.

The law requires the Commission to rule on a territorial agreement application no later than 120 days from the application’s filing date, unless good cause exists to order otherwise, and provides the right to a hearing.¹ However, a hearing may be waived by agreement of the parties.² Because that territorial agreement was last amended on October 19, 2022, and because there is disagreement over the approval of that territorial

¹ Section 394.312.4 and 5, RSMo 2016.

² Section 394.312.5, RSMo 2016.

agreement, there is good cause to extend the time for the Commission to rule on this territorial agreement.

On November 23, 2022, Staff filed a recommendation in EO-2022-0332 to approve the territorial agreement subject to conditions.

Public Counsel filed a response to the proposed territorial agreement. Public Counsel proposes that either the Commission direct the Applicants to each provide direct mailed notice to every landowner within the proposed service areas designated for that electrical provider, or that the Commission reject the territorial agreement.

The Applicants separately responded to Public Counsel's response opposing mailing notice to all landowners. Ameren Missouri's response states:

Consequently, if the Commission were inclined to choose OPC's option A³, Ameren Missouri would prefer that the Commission simply decline to approve the Territorial Agreement. Given the unique circumstances of this case and the passage of time, i.e., given that the case started almost 11 months ago, that the subdivision developer has already started development, and that Co-Mo has proceeded to build new infrastructure, if the Commission did decline to approve the Territorial Agreement, the Company will not object to a Commission order allocating the Fox Hollow Subdivision to Co-Mo.

The Commission will not order the Applicants to send mailed notice to every landowner as the territory the territorial agreement addresses is devoid of electrical service at this time, with the exception that the territorial agreement "may transfer one or two customers from Ameren to Co-Mo." Thus the Commission will direct Public Counsel to file a pleading stating whether it wishes to have an evidentiary hearing pursuant to Section 394.312.5, RSMo, prior to the Commission considering approval of the territorial agreement.

³ Option A, as referred to by Ameren Missouri, is to require mailed notice but approve the stipulation and territorial agreement.

THE COMMISSION ORDERS THAT:

1. The timeline for a Commission decision pursuant to Section 394.312.4 RSMo, is extended.
2. Public Counsel's request to have notice mailed to every landowner in the area subject to the territorial agreement is denied.
3. No later than January 11, 2023, Public Counsel shall file a pleading stating if it desires an evidentiary hearing regarding the territorial agreement.
4. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Clark, Senior Regulatory Law Judge,


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 4th day of January, 2023.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 4, 2023

File/Case No. EO-2022-0332

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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.