

**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 MOTION FOR ORDER REQUIRING PARTIES
TO BE PREPARED TO ANSWER SERVICE AREA
BOUNDARY QUESTIONS
AT LOCAL PUBLIC HEARING/MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), through the undersigned counsel, and prays the Commission’s orders requiring the parties to be prepared to answer territorial agreement boundary/service area questions at the September 15, 2022,¹ local public hearing, stating further:

On May 31, 2022, Co-Mo Electric Cooperative (“Co-Mo”) and Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed a territorial agreement in this cause. Subsequently, Co-Mo and Ameren Missouri filed a Joint Application for Approval of Territorial Agreement on July 1. On July 5, the Commission issued its Second Order Directing Notice, Requiring a Staff Recommendation, and Setting a Deadline for Intervention. The Commission ordered Staff to file a recommendation on the territorial agreement or a status report no later than August 4. On July 29, Staff filed a Motion for Local Public Hearing but then had to file a Status Report on August 4 asking the Commission to require Co-Mo and Ameren Missouri to file a status report because Staff

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

could not even consider recommending approval without a survey of the affected 20,000 acres in three counties. The parties have still not filed a survey, and without specifically designated service area boundary lines, per Rule 20 CSR 4240-3.130 (2), set out below, Staff cannot recommend territorial agreement approval and the Commission cannot grant it.

Section 394.312.2, RSMo, requires that territorial agreements between rural electric cooperatives and electrical corporations “shall specifically designate the boundaries of the electric service area of each electric service supplier subject to the agreement. . . .” Rule 20 CSR 4240-3.130 (1) (A) states that applications for approval of territorial agreements shall include “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.” It states:

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.

Rule 20 CSR 4240-3.130 (2) states:

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 (emphasis added).

Staff’s motion for a local public hearing asked the Commission to require that notice be sent individually to the effected landowners. The parties opposed that request, stating that identifying the owners would be too difficult.² The Commission’s order setting

² Staff filed no reply, but now, because the Commission still has no survey and a local public hearing is scheduled for September 15, Staff here observes that all owners and their contact information can be readily ascertained and acquired from the county tax assessors’ offices.

the local public hearing on September 15 neither expressly denied nor granted the request for individual notice to affected landowners. But if one understands the order to have tacitly denied Staff's request on the presupposition that the affected persons could self-identify on the basis of published notices that included specifically designated boundaries for the territorial agreement, then the parties' continued failure to provide a survey and thereby complete a "proper" application wholly negates the Commission's apparent presupposition.

The September 15 local public hearing is occurring both without individual notice to the landowners in 20,000 acres in three counties and without a survey that would allow them, after seeing a hearing notice published in public media, to self-identify as possibly affected by the proposed territorial agreement. At a minimum, therefore, the parties should be prepared to answer questions at the local public hearing about service boundaries sufficient to allow owners and customers to know who their electric providers will be if the territorial agreement is approved. Because the local public hearing is set for September 15, the Commission should give this motion expedited treatment.

WHEREFORE, the Staff prays the Commission's orders giving this motion expedited treatment and requiring the parties to be prepared to answer all territorial service boundary questions at the September 15 local public hearing so as to allow owners/customers to know who their electric service providers will be if the territorial agreement is approved; and for such other and further orders as the Commission deems appropriate.

Respectfully submitted,

/s/ Paul T. Graham

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CERTIFICATE OF SERVICE

The undersigned certifies by his signature below that on September 8, 2022, he filed the above document in the EFIS file of the Missouri Public Service Commission.

/s/ Paul T. Graham