

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Joint Application of Evergy )  
Missouri West, Inc., d/b/a Evergy Missouri West )  
and the City of Higginsville for Approval of a ) **File No. EO-2021-0388**  
Written Territorial Agreement Designating the )  
Boundaries of each Electric Service Supplier in )  
Portions of Lafayette County, Missouri. )

## ORDER DIRECTING FILING

Issue Date: May 6, 2021

Effective Date: May 6, 2021

On May 5, 2021, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy) and the City of Higginsville, Missouri (Higginsville) (Joint Applicants) filed a Joint Application for Approval of Territorial Agreement (Joint Application). The Joint Application states the Joint Applicants have mutually agreed, subject to the Commission's approval, that Higginsville will serve as the electric provider in an area immediately adjacent to Higginsville's city limits and acquire Evergy's two customers in that area. Attached to the Joint Application is a copy of Higginsville's Notice of Proposed Electric Provider Change notifying two persons of Higginsville's intent to acquire their service from Evergy.

The law requires the Commission to rule on an application no later than 120 days from the application's filing date,<sup>1</sup> and provides the right to a hearing.<sup>2</sup> The right to a hearing on a territorial agreement signifies a contested case.<sup>3</sup> A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities<sup>4</sup> and a decision

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<sup>1</sup> Section 394.312.4, RSMo 2016.

<sup>2</sup> Section 394.312.5, RSMo 2016

<sup>3</sup> Section 536.010(4), RSMo 2016.

<sup>4</sup> Sections 536.060(3) and 536.063(3), RSMo 2016.

without a hearing,<sup>5</sup> including by stipulation and agreement.<sup>6</sup> This notice does not require any party to file an answer.<sup>7</sup> The Commission's rules of discovery are set forth at 20 CSR 4240-2.090.

The Commission will order notice be delivered to the customers identified in the Joint Application, to the elected officials of Lafayette County, Missouri, and to newspapers for publication. The Commission will set a deadline for intervention and direct the filing of a staff recommendation.

**THE COMISSION ORDERS THAT:**

1. The Commission's Data Center shall send a copy of this order to the customers identified in Appendix B of the Joint Application and to the County Commission of Lafayette County, Missouri.

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

3. Any person or entity wishing to intervene in this matter shall file an application to intervene no later than June 5, 2021.

4. The Staff of the Commission shall file a recommendation on the Joint Application no later than June 20, 2021.

5. Any other party wishing to file a recommendation shall do so no later than June 20, 2021.

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<sup>5</sup> Section 394.312.5, RSMo 2016; 20 CSR 4240-2.115.

<sup>6</sup> Section 394.312.5, RSMo 2016, 20 CSR 4240-2.115

<sup>7</sup> Section 536.067(2)(d), RSMo 2016.

6. 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

Paul T. Graham, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 6<sup>th</sup> day of May, 2021.