

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

In the Matter of the Application of Grundy Electric)	
Cooperative, Inc. and the City of Trenton,)	
Missouri for Approval of a Written Territorial)	
Agreement Designating the Boundaries of each)	Case No. EO-2008-0414
Electric Service Supplier within a Tract of Land)	
Annexed in City Bill No. 25, Ordinance No. 02-25)	
To Extend the Corporate Boundaries of the City of)	
Trenton, Grundy County, Missouri)	

UNANIMOUS STIPULATION AND AGREEMENT AND WAIVER OF HEARING

COME NOW Grundy Electric Cooperative (“Cooperative” or “Grundy”), the City of Trenton, Missouri (“City”) (hereinafter collectively referred to as “Joint Applicants”), the Staff of the Missouri Public Service Commission (“Staff”), and the Office of the Public Counsel (“Public Counsel”), hereinafter collectively referred to as “the Parties,” and for their Unanimous Stipulation And Agreement And Waiver Of Hearing, respectfully state as follows:

1. On June 27, 2008, Joint Applicants filed with the Missouri Public Service Commission (“Commission”) a verified Joint Application¹ along with a Territorial Agreement between the City and the Cooperative. The Territorial Agreement designates the respective service areas for the two electric service suppliers in an area annexed by the City.² The Territorial Agreement also provides that the Cooperative, whose headquarters site in Trenton is currently being served by the City, may serve itself. This Territorial Agreement and the requested change of supplier were integral parts of a consent annexation by the City, which was

¹ A map illustrating the area that is the subject of the Territorial Agreement was inadvertently omitted from the Joint Application. The Staff subsequently requested, and informally received, both paper and electronic copies of the map. An edited version, which is in all relevant respects identical to the map the Staff received and reviewed, is attached hereto, in order to add visual clarity to the Joint Application and to fulfill the filing requirements of Commission rule 4 CSR 240-3.130.

² The Territorial Agreement also reflects an exchange of two tracts of land between the Joint Applicants. (See attachment.)

completed back in 2002. The Joint Application seeks a Commission order: a) approving the Territorial Agreement; b) finding that the designation of electric service areas, as set forth in the Territorial Agreement, is not detrimental to the public interest, and c) authorizing the Joint Applicants to perform in accordance with the terms and conditions of the Territorial Agreement.

2. On July 3, 2008, the Commission issued an Order And Notice that, among other things, set a filing deadline of July, 23, 2008 for applications to intervene. No such applications have been filed.

3. On August 13, 2008, the Commission ordered Staff of the Missouri Public Service Commission to file by September, 2, 2008, a recommendation, or in the alternative, a status report informing the Commission when the Staff plans to file its recommendation.

4. The Staff and Public Counsel, having reviewed the Joint Application and associated Territorial Agreement, have joined the Joint Applicants in entering into this Unanimous Stipulation and Agreement (“Stipulation And Agreement”). The Stipulation And Agreement shall be binding upon the successors and assigns of the Cooperative and the City.

5. Section 394.312.5 of the Revised Statutes of Missouri states in part that the Commission may approve a territorial agreement if it determines that the territorial agreement is not detrimental to the public interest.

6. Section 91.025.2 of the Revised Statutes of Missouri provides that a municipally owned or operated electrical system shall have the exclusive right to continue providing retail electric energy to a structure it lawfully serves “except as might be otherwise permitted . . . pursuant to a territorial agreement approved under section 394.312 RSMo. The public service commission, upon application made by a customer, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential.”

7. The aforementioned Section 394.312.5 also states: “The Commission shall hold evidentiary hearings to determine whether such territorial agreements should be approved or disapproved, except that in those instances where the matter is resolved by a stipulation and agreement submitted to the Commission by all the parties such hearings may be waived by agreement of the parties”. By this Stipulation And Agreement, the Parties waive hearings to determine whether this Territorial Agreement should be approved or disapproved.

8. The Parties assert and state the following:

a) The Territorial Agreement between the Joint Applicants is not detrimental to the public interest. It will prevent future duplication of electric service facilities. In addition, it allows the City to conduct orderly expansion while providing for availability of electric utility service in the designated area. Therefore, the Territorial Agreement should be approved.

b) The change of supplier request for the Cooperative’s headquarters site meets the public interest requirement of Section 91.025.2, and is not driven by rate differential considerations. The request is an integral part of the Territorial Agreement, exclusively involving only the Joint Applicants and having no adverse effect on any other customer of the City or the Cooperative. In addition to furthering the orderly development of the City and the provision of services to its inhabitants, the requested change will enable the Cooperative to bring itself within the reliability experience of its customers/members.

c) This matter has been resolved by a unanimous stipulation and agreement, and therefore, the Parties waive any required hearings regarding the Territorial Agreement.

WHEREFORE, the Parties respectfully request the Commission to issue its Order:

A. Approving this Unanimous Stipulation And Agreement;

B. Finding that the Territorial Agreement, filed as Appendix A to the Joint Application, is not detrimental to the public interest, and approving the Joint Application; and

C. Authorizing the City of Trenton, Missouri and Grundy Electric Cooperative to perform in accordance with the terms and conditions of the Territorial Agreement;

D. Ordering the requested change of electric service suppliers (from City to Cooperative) to Grundy's headquarters site, based on a finding that it is in the public interest for a reason other than a rate differential.

Respectfully submitted,

OFFICE OF GENERAL COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 29th day of August 2008.

/s/ *Dennis L. Frey*