

**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) Case No. EO-2022-0332
Missouri for an Order Approving a)
Territorial Agreement in Cooper, Cole,)
and Moniteau Counties, Missouri)

**PUBLIC COUNSEL’S RESPONE
TO ORDER DIRECTING A RESPONSE**

COMES NOW the Office of the Public Counsel (“Public Counsel”) and in response to the Public Service Commission’s January 4, 2023 *Order Extending the Time for a Commission Decision, Denying Public Counsel’s Request for Written Notice to All Landowners, and Ordering a Response*, states:

1. On December 2 and 14, 2022, Public Counsel responded to the proposed territorial agreement to raise concerns that the notice ordered by the Commission did not properly notify landowners. The applicants did not directly notify any landowners and there is no record of any news media publishing notice of the proposal. It is likely that all affected landowners are unaware of the proposal to eliminate their ability to choose a service provider.
2. Despite the Commission Staff¹ and Public Counsel’s requests for direct landowner notice, the Commission declined to notify landowners. The only explanation provided by the Commission for its decision is that “the territory the territorial agreement addresses is devoid of electrical service at this time, with the

¹ Motion for Local Public Hearing, July 29, 2022, EFIS No. 11.

exception that the territorial agreement “may transfer one or two customers from Ameren to Co-Mo.”² This reasoning misses the point that the territorial agreement would affect landowner rights, and possibly economic development, by eliminating a landowner’s future ability to select the most suitable electric service provider.

3. Public Counsel does not request an evidentiary hearing. Instead, Public Counsel requests the Commission rule upon the territorial agreement based on the case filings. Those filings support a Commission decision to reject the territorial agreement due to its overreach (20,016 acre impact to resolve a 216-acre disagreement), and approve Co-Mo’s request to be designated the service provider for the initial 216-acre Fox Hollow subdivision as requested in Case No. EO-2022-0190.

WHEREFORE, the Office of the Public Counsel respectfully offers this response to the Commission’s order directing a response.

Respectfully submitted,

/s/ Marc Poston

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² *Order Extending the Time for a Commission Decision, Denying Public Counsel’s Request for Written Notice to All Landowners, and Ordering a Response*, January 4, 2023, EFIS No. 38.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 10th day of January 2023.

/s/ Marc Poston