

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

In the Matter of the Application of The City)
of Butler and Osage Valley Electric)
Cooperative for Approval of a First) **File No. EO-2023-0126**
Territorial Agreement Designating the)
Boundaries of Exclusive Service Areas)
Within Portions of Bates County)

ORDER GRANTING LEAVE TO AMEND APPLICATION

Issue Date: December 20, 2022

Effective Date: December 20, 2022

On October 5, 2022, the City of Butler (Butler) and Osage Valley Electric Cooperative (Osage Valley) filed a *Joint Application* for an order approving a *Territorial Agreement* filed with the application.

On November 30, 2022, Butler and Osage Valley filed a *Joint Motion for Leave to Amend Application and Amendment to the Application*. In the motion, Butler and Osage Valley request leave to amend Exhibit 1 and Exhibit 4 to the *Territorial Agreement*. Exhibit 1 – maps of the corporate boundaries of Butler, representing the current electrical service area of Butler – would be amended to exclude a parcel inside the corporate boundaries of Butler that is currently served by Osage Valley. Exhibit 4 – a map of the exclusive service area of Osage Valley – would be amended to include that same parcel. The Office of Public Counsel agrees with the proposed amendment.

The Commission finds the motion reasonable and will grant it.

THE COMMISSION ORDERS THAT:

1. Butler and Osage Valley are granted leave to amend their *Joint Application* by amending Exhibit 1 and Exhibit 4 to the *Territorial Agreement* accompanying the *Joint*

Application by replacing those original two exhibits with the amended exhibits attached to their *Joint Motion for Leave to Amend Application and Amendment to the Application*.

2. The Commission's Data Center shall send a copy of this order and a copy of the *Joint Motion for Leave to Amend Application and Amendment to the Application* in this matter to all parties in the following Commission cases: EO-2023-0039, EO-2023-0040, EO-2023-0041, EO-2023-0042, EO-2023-0043, EO-2023-0044, EO-2023-0045, EO-2023-0046, EO-2023-0047, EO-2023-0048, EO-2023-0049, EO-2023-0050, EO-2023-0051, EO-2023-0063, and EO-2023-0064.

3. This Order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Kenneth J. Seyer, Regulatory Law Judge
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 20th day of December, 2022.

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

In the Matter of the Application of The City)
of Butler and Osage Valley Electric)
Cooperative for Approval of a First Territorial)
Agreement Designating the Boundaries of) File No. EO-2023-0126
Exclusive Service Areas Within Portions of)
Bates County.)

**JOINT MOTION FOR LEAVE TO AMEND
APPLICATION AND
AMENDMENT TO THE APPLICATION**

COMES NOW Osage Valley Electric Cooperative (Cooperative) and the City of Butler (City), as their *Joint Motion for Leave to Amend Application and Amendment to the Application*, in accordance with 20 CSR 4240-2.080(18), states as follows to the Missouri Public Service Commission (Commission):

1. On October 5, 2022, Cooperative and City of Butler filed an *Application for Approval of a First Territorial Agreement* (“*Application*”) requesting approval of a Territorial Agreement designating the boundaries of exclusive service areas within portions of Bates County, Missouri.

MOTION FOR LEAVE

2. The *Application*, among other things, included as Exhibit 1 to the Territorial Agreement, a map of the exclusive service area of City and as Exhibit 4 to the Territorial Agreement, a map of the exclusive service area of Cooperative. After discussion, with Public Counsel, Cooperative and City believe that the Cooperative’s service area map should be modified to include a parcel that is currently served by Osage Valley which is inside the city limits of the City of Butler and subsequently that the City’s service area map should be modified to exclude said parcel. Accordingly, by this pleading, Cooperative and City seek the Commission’s leave to amend their *Application* to include this issue as described herein.

3. Commission Rule 20 CSR 4240-2.080(18) provides, in part, that a pleading may be amended at any time by leave of the Commission. Cooperative and City believe that a grant of the requested leave will not prejudice the parties and will aid in the efficient processing of this *Application*.

AMENDMENT TO THE APPLICATION

4. Cooperative and City provide the attached **Exhibit 1 – Amended** and **Exhibit 4 - Amended** and ask that the Commission consider this to replace and amend Exhibits 1 and 4 to the Territorial Agreement.

WHEREFORE, Cooperative and City request the Commission issue its order granting Cooperative and City's motion for leave to amend their *Application* and consider the *Application* amended as stated herein.

Respectfully submitted,

ATTORNEYS FOR OSAGE VALLEY
ELECTRIC COOPERATIVE:

/s/ Megan E. McCord
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ATTORNEYS FOR THE CITY:

/s/ Anthony Hernandez
Anthony Hernandez, # 69129
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on November 30, 2022, to the following:

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

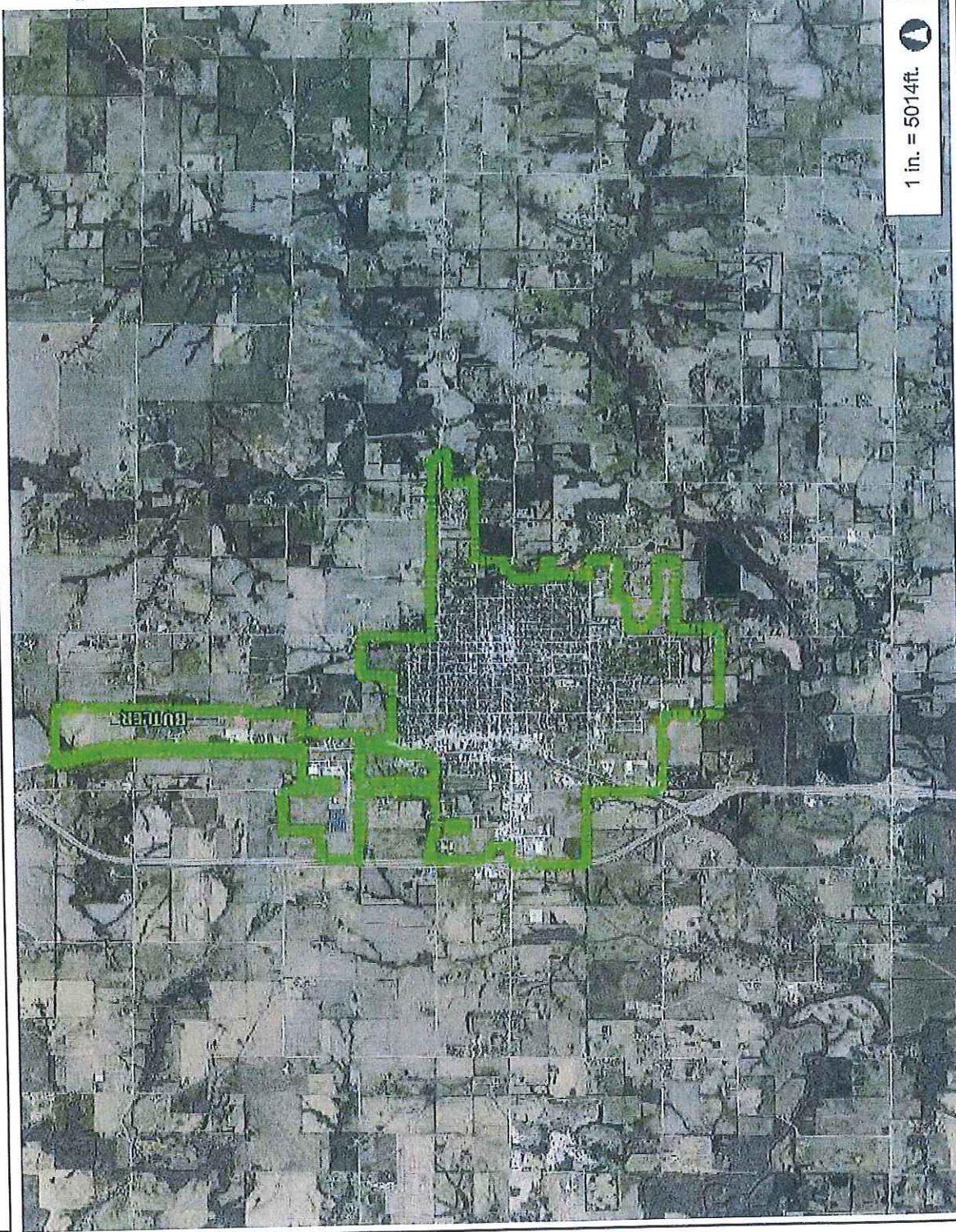
Missouri Public Service Commission
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/s/ Megan E. McCord
Megan E. McCord

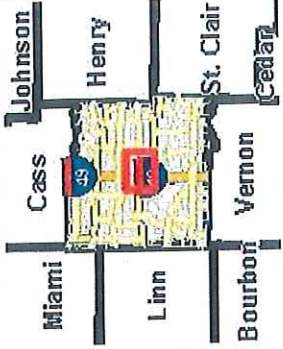
EXHIBIT I - Amended

The following are maps of the corporate boundaries for the City of Butler, representing the current electrical service area of the City not including the properties to be added pursuant to this Territorial Agreement.

Bates County, MO



1 in. = 5014ft.



Legend
Corporate Limit Line

Notes

10,027.1 5,013.54 10,027.1 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Excluding:

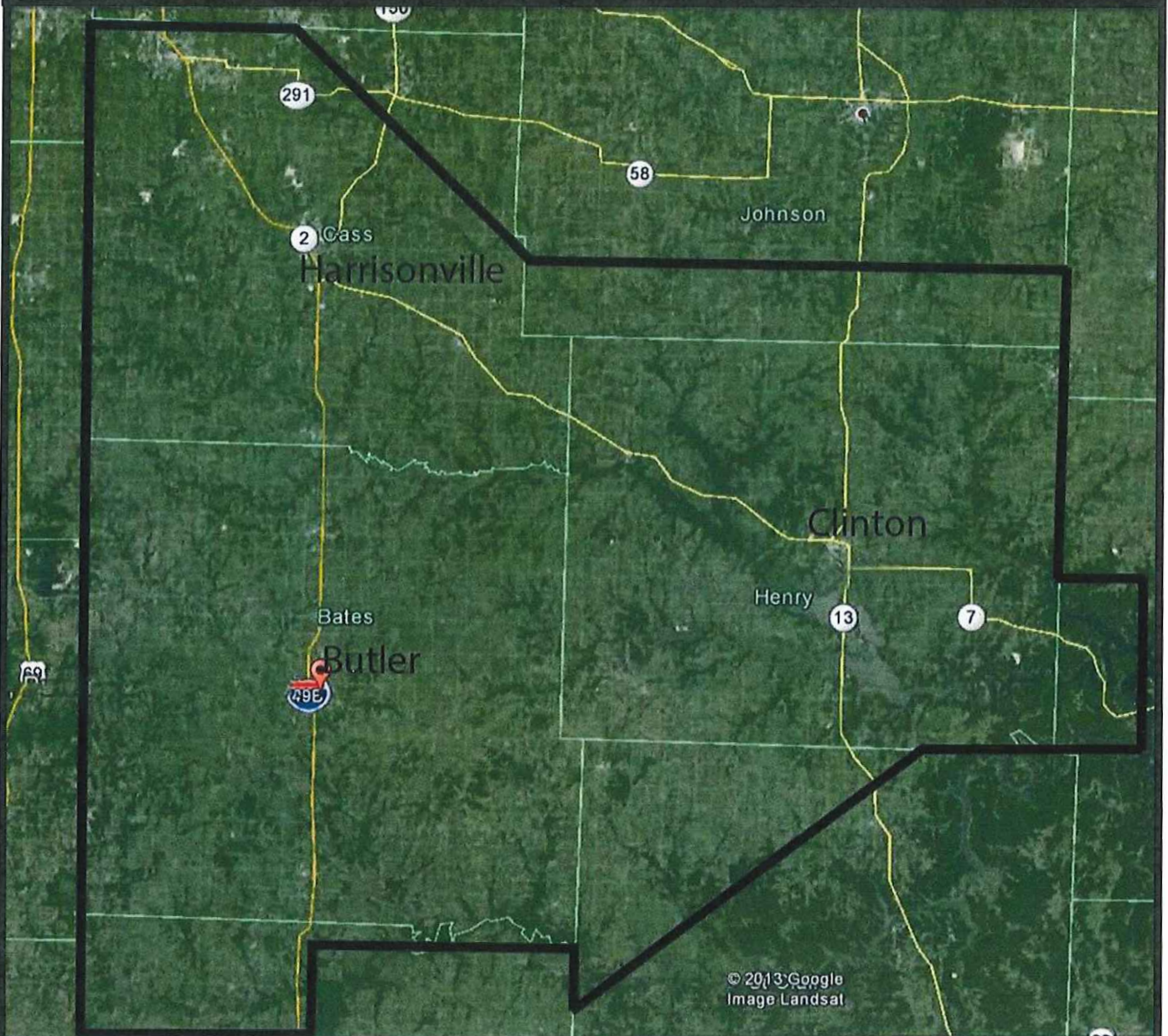
1311 N. Orange Street (crematory)



Exhibit 4 - Amended

The following is a map of the Cooperative's current service territory. Pursuant to this Territorial Agreement, the Cooperative's electric service area shall be this map referenced in Exhibit 4, EXCLUDING the property and territory referenced in Exhibit 1 (the City's corporate boundaries) and Exhibits 2 and 3 (the property and territory being added to the City's electric service area pursuant to this Territorial Agreement)

Osage Valley Electric Cooperative Service Territory



Osage Valley Electric Cooperative is a member-owned rural electric utility providing service in Bates, Cass, Henry, Johnson, Benton, St. Clair and Vernon Counties.



And:

1311 N. Orange Street (crematory)



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 20th day of December, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 20, 2022

File/Case No. EO-2023-0126

Missouri Public Service Commission

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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.