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FILED  
MAY 7 - 1997  
MISSOURI  
PUBLIC SERVICE COMMISSION  
May 7, 1997

Mr. Cecil Wright, Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65101

EO-97493

Re: Consolidated-UE Application for approval of a territorial agreement.

Dear Mr. Wright:

Please find enclosed an original and 14 copies of Consolidated Electric Cooperative and Union Electric Company's application for approval of a territory agreement. A check in the amount of \$250.00 is attached for the filing fee.

Furthermore, paragraph 6 of the application states that Union Electric has a certificate of public convenience and necessity for the entire area it proposes to serve pursuant to terms of the territorial agreement. 4 CSR 240-2(10) (G) states that the application is to contain an illustrative tariff which would reflect any changes in a regulated utility's operations or certification. Since there is no change to Union Electric's current operations or certification, no illustrative tariff will be filed with the application.

A copy of this letter and application has been filed with the Office of Public Counsel. Thank you for your attention to this matter. If you have any questions, please do not hesitate to call.

Sincerely;

Victor S. Scott  
Victor S. Scott

FILED

MAY 7 - 1997

MISSOURI  
PUBLIC SERVICE COMMISSION

cc: Office of Public Counsel  
encl.

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

In the Matter of the Application of Union Electric )  
and Consolidated Electric Cooperative for )  
Approval of a Written Territorial Agreement )  
Designating the Boundaries of Each Electric )  
Service Supplier within Portions of Audrain, )  
Monroe and Randolph Counties, Missouri. )

Case No.

*E0-97-49*

FILED  
MAY 7 - 1997  
MISSOURI  
PUBLIC SERVICE COMMISSION

**JOINT APPLICATION**

COMES NOW Union Electric Company ("UE") and Consolidated Electric Cooperative ("Cooperative"), hereinafter referred to collectively as "Applicants," and for their Joint Application to the Missouri Public Service Commission ("Commission"), pursuant to Section 394.312 RSMo. (1994) for an order approving Applicants' Territorial Agreement, state as follows:

1.     **The Applicants** - UE is a corporation organized and existing under the laws of Missouri and has its principal office at 1901 Chouteau Avenue, St. Louis, Missouri 63103. It is an electrical corporation subject to the jurisdiction of the Commission engaged in the sale and distribution of electricity in portions of Missouri, including Audrain, Monroe and Randolph Counties.

Cooperative is a corporation organized and existing under the laws of Missouri and has its principal office at 3940 East Liberty, Mexico, Missouri 65265. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within Audrain, Monroe and Randolph Counties in Missouri.

2.     **Correspondence and Communication** - Correspondence, communications, orders and decision in regard to this Application should be directed to:

**For UE**  
Mr. William B. Bobnar  
Attorney  
Union Electric Company  
1901 Chouteau Avenue  
P.O. Box 66149 (MC 1310)  
St. Louis, MO 63166-6149  
314-554-3148  
314-554-4014 (fax)

**For Cooperative**  
Mr. Patrick A. Baumhoer  
Mr. Victor S. Scott  
Andereck, Evans, Milne, Peace  
& Baumhoer  
305 E. McCarty Street  
P.O. Box 1436  
Jefferson City, MO 65102-1436  
573-634-3422  
573-634-7822 (fax)

Mr. Ronald Loesch  
District Manager  
Union Electric Company  
P.O. Box 38  
Mexico, MO 65265

Mr. Byron L. Jahn  
General Manager  
Consolidated Electric Cooperative  
P. O. Box 540  
Mexico, MO 65265-0540

3.     **The Territorial Agreement** - Subject to the terms and conditions of an Agreement, known as a "Territorial Agreement" between UE and Cooperative, Applicants have specifically designated the boundaries of the exclusive electric service area of each electric service supplier for service of new structures in Audrain, Monroe, and Randolph Counties, which are more particularly described in the Territorial Agreement. Applicants have attached a copy of the Territorial Agreement to this Application as Exhibit A, which is incorporated by reference into this Application and made a part hereof for all purposes.

For Monroe and Randolph Counties, the exclusive service territories of the parties are county-wide and a metes and bounds description of the exclusive service areas of the Applicants and a map depicting those service areas are part of the Territorial Agreement. In Audrain County, the Territorial Agreement establishes exclusive service territories of the Applicants only within areas described in Exhibits 5 and 6 to the Territorial Agreement. Notwithstanding the foregoing, the Territorial Agreement has no impact on those portions of Audrain County outside the areas described in Exhibits 5 and 6. The Applicants have also

agreed to a few exceptions to the exclusive service territories established by the Territorial Agreement. These exceptions are described in Article 6 and Exhibits 7 and 8 of the Territorial Agreement.

The Territorial Agreement only establishes exclusive service territories for the Applicants; it does not require transfer of any facilities or customers between the Applicants.

4. **Resolution of the Cooperative's Boards of Directors** - A certified copy of the resolution of the Board of Directors of Cooperative authorizing the consummation of the transaction contemplated by this Joint Application is attached hereto as Exhibit B and made a part hereof for all purposes.

5. **Articles of Incorporation** - A certified copy of Company's Restated Articles of Incorporation and Certificate of Incorporation from the Secretary of State are already on file with the Commission (see Case No. EO-96-431). Said documents are incorporated herein by reference and made a part hereof for all purposes. A certified copy of Cooperative's Articles of Incorporation and Certificate of Incorporation from the Secretary of State are attached hereto as Exhibit C.

6. **Authority to Serve in Proposed Areas** - The Company has a certificate of public convenience and necessity for the entire area it proposes to serve. The Cooperative has statutory authority in the areas it proposes to serve.

7. **Other Electric Suppliers** - The following is a list of other Rural Electric Cooperatives which serve in the territory covered by the Territorial Agreement:

Boone Electric Cooperative  
Callaway Electric Cooperative  
Howard Electric Cooperative

Macon Electric Cooperative  
Missouri Rural Electric Cooperative  
Ralls Electric Cooperative

In addition, Paris and Monroe City operate municipal electric supply systems within the area covered by the Territorial Agreement.

8. **Agreement Is in the Public Interest** -The Territorial Agreement is in the public interest because it establishes exclusive service territories for new structures for the two electric suppliers. The establishment of exclusive service territories will prevent future duplication of electric service facilities, guarding economic efficiencies and benefitting the public safety and aesthetics of the community.

This Agreement will also allow electric service customers to know with certainty the supplier of their electric service.

9. **Other Findings and Orders Required by the Commission** - Each Applicant will still have occasion to construct, operate and maintain facilities in the electric service territory of the other as described in the Territorial Agreement. Each Applicant will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Agreement. Each Applicant will have the right to serve existing customers within the electric service area of the other for the indefinite future. In general, Applicants will need the authority to construct, operate and maintain facilities through the electric service area of the other. In particular, UE requires a finding of the Commission that the Territorial Agreement will not impair the Company's certificates of public convenience and necessity except as specifically limited by the Agreement.

10. **Application Fee** - The Commission's fee required by 4 CSR 240-21.010 is submitted herewith.

**WHEREFORE**, Applicants respectfully request that the Public Service Commission of Missouri issue its Order:

(a) Finding the designated electric service areas to be not detrimental to the public interest and approving the Territorial Agreement;

(b) Authorizing Applicants to perform in accordance with the terms and conditions of the Agreement, attached as Exhibit A to the Joint Application; and

(c) Finding that this Agreement shall not impair the Company's certificates of convenience and necessity except as specifically limited by the Agreement.

**UNION ELECTRIC COMPANY**

By William B. Bobnar

William B. Bobnar  
MBEN 38966  
1901 Chouteau Avenue  
P.O. Box 66149 (MC 1310)  
St. Louis, MO 63166  
(314) 554-3148  
(314) 554-4014 (fax)

**ATTORNEY FOR UNION  
ELECTRIC COMPANY**

**ANDERECK, EVANS, MILNE, PEACE  
& BAUMHOER**

By Patrick A. Baumhoer

Patrick A. Baumhoer  
MBEN 26251

By Victor A. Scott

Victor A. Scott  
MBEN 42963  
301 E. McCarty Street  
P.O. Box 1280  
Jefferson City, MO 65102-1280  
(573) 634-3422

**ATTORNEYS FOR APPLICANT  
CONSOLIDATED ELECTRIC  
COOPERATIVE**

VERIFICATION

STATE OF MISSOURI     )  
                              ) SS  
CITY OF ST. LOUIS     )

On the 25<sup>th</sup> day of April, 1997, before me appeared William J. Carr, to me personally known, who being by me first duly sworn, states that he is an officer of Union Electric Company, and acknowledged that he has read the Joint Application of Union Electric Company and Consolidated Electric Cooperative for Approval of a Territorial Agreement and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

William J. Carr  
William J. Carr

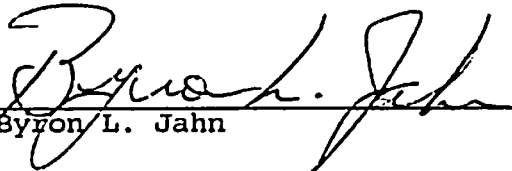
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date first written above.

BARBARA LUNGWITZ  
Notary Public — Notary Seal  
STATE OF MISSOURI  
City of St. Louis  
My Commission Expires: September 2, 1999

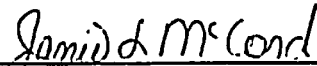
Barbara Lungwitz  
Notary Public

STATE OF MISSOURI     )  
                              ) ss  
COUNTY OF AUDRAIN    )

On the 5TH day of APRIL, 1997, before me appeared Byron L. Jahn, to me personally known, who being by me first duly sworn, states that he is General Manager of Consolidated Electric Cooperative, and acknowledged that he has read the Joint Application of Union Electric Company and Consolidated Electric Cooperative for Approval of a written territorial agreement designating the boundaries of each electric service supplies within portions of Audrain, Monroe and Randolph Conties in Missouri, and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

  
Byron L. Jahn

Subscribed and sworn to before me this 5TH day of APRIL, 1997.

  
Notary Public  
JANIE L MCCORD

(seal)  
My commission expires:     MARCH 16, 1998

NOTARY PUBLIC  
JANIE L. MCCORD  
MARCH 16, 1998