

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

In the Matter of the Joint Application of )  
Union Electric Company, d/b/a Ameren Missouri, )  
and Tri-County Electric Cooperative for an Order ) File No. EO-2024-0208  
Approving a Territorial Agreement Regarding )  
Service to Customers in Adair County, Missouri. )

**AMENDED JOINT REQUEST FOR WAIVER AND AMENDED APPLICATION FOR  
APPROVAL OF A TERRITORIAL AGREEMENT**

COMES NOW, Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") and Tri-County Electric Cooperative ("Tri-County"), hereafter referred collectively as "Applicants," by and through their respective counsel, amend its Application for Approval of a Territorial Agreement filed on January 3, 2024, pursuant to Section 394.312, RSMo, 20 CSR 4240-2.060, and 20 CSR 4240-3.130. To facilitate an expedient implementation of the Agreement, Joint Applicants also amend their request for a Waiver of the 60-day notice requirement of 20 CSR 4240-4.017 and included verified declarations under 20 CSR 4240-4.017(D) and pursuant to the Missouri Public Service Commission's ("Commission") issued January 4, 2024. The Applicants respectfully request the Commission approve their request for approval of Applicants' Territorial Agreement ("Agreement"), and in support of the Joint Amended Application, respectfully state as follows:

1. **The Applicants.** Tri-County is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 16894 US Highway 63, Lancaster, Missouri. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within certain Missouri counties. Tri-County has no pending action or final judgments or decisions against it from any state or federal agency or court that involve its customer service or rates within the three years immediately preceding the filing of this

Application. Tri-County has no overdue annual report or assessment fees. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for Cooperative is submitted with this application as Attachment 1 and is incorporated herein by reference in accordance with 20 CSR 4240-2.060(1)(G).

2. Ameren Missouri is a Missouri corporation with its principal office and place of business at 1901 Chouteau Ave., St. Louis, Missouri 63103. Ameren Missouri is primarily engaged in the business of providing electric utility service in Missouri to the public in its certificated areas. Ameren Missouri has no pending action or final judgments or decisions against it from any state or federal agency or court that involve its customer service or rates within the three years immediately preceding the filing of this Application. Ameren Missouri has no overdue annual report or assessment fees. Ameren Missouri has previously submitted to the Commission a certified copy of its Articles of Incorporation (File No. EA-87-105), its Fictitious Name Registration with the Missouri Secretary of State (File No. EA-2019-0181), and a Certificate of Good Standing from the Missouri Secretary of State (File No. EO-2023-0448), all of which are incorporated herein by reference in accordance with 20 CSR 4240-2.060(1)(G).

3. **Correspondence and Communication.** Correspondence, communications, orders and decisions in regard to this Application should be directed to:

For Company

Steven Wills  
Director Regulatory Affairs  
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For Cooperative

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4. **Request for Waiver.** To facilitate an expedient implementation of the Agreement, Joint Applicants also request a Waiver of the 60-day notice requirement of 20 CSR 4240-4.017, and further request expedited treatment of this *Joint Application*. Section 394.312 RSMo. requires submission to, and approval by, the Commission of territorial agreements and their addendums. The Joint Applicants therefore submit this *Amended Joint Application* in accordance with the general application requirements of 20 CSR 4240-2.060(1), as well as the more specific territorial agreement filing requirements of 20 CSR 4240-3.130(1).<sup>1</sup>

4. Joint Applicants request a variance from the 60-day notice requirement of 20 CSR 4240-4.017, which states, in relevant part:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case...

Pursuant to 20 CSR 4240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes "a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case..."<sup>2</sup> As indicated in the Affidavits executed by Ameren Missouri and Tri-County attached as Appendix 1 and Appendix 2 to this *Amended Joint Application*, respectively, neither Ameren Missouri and Tri-County has had any communications with the office of the Commission (as defined by 20 CSR 4240-4.015(10)) regarding any substantive issue likely to be in this case during the preceding 150 days.<sup>3</sup> Accordingly, Ameren Missouri and Tri-County have established good cause for a waiver

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<sup>1</sup> The information required by the rules, as well as the additional findings the Company and the Cooperative request, are discussed in more detail below.

<sup>2</sup> Pursuant to the Commission's *Order Waiving 60-Day Notice Requirement* issued on August 1, 2017, in File No. WM-2018-0023, the examples of good cause provided in the rule are not exclusive, and the Commission may find that good cause has been established by other circumstances.

<sup>3</sup> Appendix 1 and Appendix 2 are incorporated by reference into this *Joint Application* and made a part hereof for all purposes.

from the 60-day requirement of 20 CSR 4240-4.017(1). No other public utility will be affected by granting the Company a waiver from this requirement.

5. **The Territorial Agreement (20 CSR 4240-3.130-(1)(A)).** Subject to the terms and conditions of the Agreement between Ameren Missouri and Tri-County, Applicants have specifically designated the boundaries of exclusive electric service areas within Adair County. Applicants have attached a copy of the Revised Territorial Agreement as **Appendix A**, which is incorporated by reference and made a part hereof for all purposes. The Commission granted the Applicants Motion to Amend the Appendices on February 2, 2024. The Territorial Agreement contains revised maps delineating the boundaries of the rural areas in the above-captioned counties to become the exclusive service territories of Ameren Missouri or Tri-County. The Revised Territorial Agreement also deletes references to a "tract 3" which is not depicted on the maps and inadvertently included in the agreement.

6. **Statutory Authority.** Tri-County has statutory authority to serve the areas it is proposing to serve pursuant to Section 394.080 RSMo. Ameren Missouri has authority to serve the areas it is proposing to serve pursuant to prior orders of the Commission granting it area certificates covering each of the Sections, Townships, and Ranges allocated to it by the Territorial Agreement, as evidenced by the following tariff sheet: Union Electric Company Mo. P.S.C. Schedule No. 6, Original Sheet No. 4 (Adair County).

7. **Other Electric Suppliers (20 CSR 4240-3.130-(1)(B)).** To Applicants' knowledge and belief, there are no other electric suppliers serving in the areas covered by this Agreement.

8. **Changes in Operations (20 CSR 4240-3.130-(1)(C)).** There will be no changes in Ameren Missouri's operations or certification, so no illustrative tariffs are included.

9. **Public Interest (20 CSR 4240-3.130-(1)(D)).** The Agreement is not detrimental to

the public interest. Generally, the establishment of exclusive service territories and service rights within a given geographic area prevents future duplication of electric service facilities, resulting in economic efficiencies and future cost savings, and benefit public safety and community aesthetics.

10. **Transfers (20 CSR 4240-3.130-(1)(E)).** The Agreement does not require transfer of any facilities or customers between the Applicants, so no list of structures and persons whose utility service would be changed by the Agreement is included.

11. **Service Responsibilities.** Each Movant will continue to have service responsibilities beyond the terms of the Agreement unaffected thereby.

12. **Filing Fee.** The Commission's fee required by 20 CSR 4240-3.120 is submitted herewith.

13. **Conclusion.** The Joint Applicants request approval of their Territorial Agreement, which they have negotiated in good faith in order to further the public interest, as described above. Section 394.312, RSMo. requires submission to, and approval by, the Commission of such territorial agreements and addendums. The Joint Applicants request the Commission determine that this *Joint Application* fulfills the requirements of 20 CSR 4240-2.060(1) and 20 CSR 4240-3.130(1) for the approval of this type of agreement and provide the requested Findings and Orders so that Territorial Agreement can be implemented. The Joint Applicants further ask that the 60-day notice requirements of 20 CSR 4240-4.017 be waived.

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

- (a) Waiver of the sixty-day notice requirement;
- (b) Finding the designated electric service areas to be not detrimental to the public interest and approving the Agreement; and

(c) Authorizing Applicants to perform in accordance with the terms and conditions of the Agreement.

Respectfully submitted,

/s/ Jennifer S. Moore

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For Union Electric Company, Inc.  
d/b/a Ameren Missouri

/s/ Megan E. McCord

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For Tri-County Electric Cooperative

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 5<sup>th</sup> day of February, 2024.

/s/ Jennifer S. Moore  
Jennifer S. Moore





