

**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 Approving a Territorial )  
Agreement Regarding Service to )  
Customers in Adair County, Missouri )

**File No. EO-2024-0208**

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), and submits its recommendation that the Missouri Public Service Commission (“Commission”) approve the Joint Application, as amended February 5, 2024, of Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) and Tri-County Electric Cooperative (“Tri-County”)<sup>1</sup>, requesting approval of their Territorial Agreement (“The Agreement”). The Joint Applicants also requested a variance per 20 CSR 4240-4.017(1)(D) and expedited treatment per 20 CSR 4240-2.080(14). Joint applicants filed a Joint Motion to Amend Exhibits to Application on January 29, 2024, to accurately define the service areas covered by The Agreement. Staff recommends the Commission find that the transaction is not detrimental to the public interest, pursuant to Sections 394.312 and 416.041, RSMo, as well as; 20 CSR 4240-2.060 and 20 CSR 4240-3.130. Staff recommends a waiver of 20 CSR 4240-4.017(1)(D) and approval of The Agreement.

---

<sup>1</sup> Ameren Missouri and Tri-County may be referred to together as “joint applicants”.

1. The Agreement designates the boundaries of exclusive electric service areas<sup>2</sup> for both Ameren Missouri and Tri-County, respectively, within Adair County – specifically in and around the City of Kirksville. Portions of these service areas may have been, or may in the future be, annexed into the City of Kirksville, thus impacting their designation as “rural areas” as defined by Section 394.020(3) RSMo. The Agreement does not require transfer of any facilities or customers between the joint applicants and allows each joint applicant to continue providing service to all existing structures they are already providing service to as of the effective date of The Agreement. The joint applicants are in agreement on these points.

2. Tri-County is organized under Chapter 394 RSMo to provide electric service to its members located in all or parts of six Missouri counties, including Adair County. Although the Commission has limited jurisdiction over rural electric cooperatives, Tri-County is subject to the jurisdiction of the Commission under Section 394.312, RSMo.<sup>3</sup> As a rural electric cooperative, the Commission does not require Tri-County to file annual reports or assessment fees. Further, Staff is not aware of any pending or final unsatisfied decisions against Tri-County from any state or

---

<sup>2</sup> Respective service areas are identified and described in Revised Exhibits A and B to the Amended Territorial Agreement, as filed with The Amended Joint Request for Waiver and Amended Application For

Approval of a Territorial Agreement on February 5, 2024.

<sup>3</sup> Section 394.312 states, in relevant part, that “...Such territorial agreements shall specifically designate the boundaries of the electric service area of each electric service supplier subject to the agreement, any and all powers granted to a rural electric cooperative by a municipality, pursuant to the agreement, to operate within the corporate boundaries of that municipality... The commission may approve the application if it determines that approval of the territorial agreement in total is not detrimental to the public interest...”

federal court involving customer service or rates within three years of the date of filing this Joint Application.

3. Ameren Missouri is an electrical corporation subject to the jurisdiction of the Commission as specified, in part, by Chapters 386 and 393, RSMo and is current in regard to filing of annual reports and its assessment dues. Staff is not aware of any unsatisfied judgments or decisions against Ameren Missouri in any state or federal agency or court involving customer service or rates within the last three years that would have bearing on the immediate Case. The Staff is not aware of any other matter before the Commission that affects, or is affected by, this filing.

4. Staff is filing its Official Case File Memorandum with this recommendation. Seeing as the required filing fee<sup>4</sup> in this matter has been submitted and clarification regarding the descriptions and identification of the relevant service areas has been provided, the Staff Recommendation is for approval of The Agreement. Based on its investigations and findings, Staff recommends that the Commission find that the proposed amendment is not detrimental to the public interest. The application, as amended, contains the verified declarations requisite for waiver of 20 CSR 4240-4.017(1)(D). Staff recommends waiver of the 60-day notice rule. Staff further recommends that the Commission note that no ratemaking determinations are being made as a part of its report and order and that it order Ameren Missouri to file revised tariffs that reflect the corresponding change in its certificated electric service area in Adair County, Missouri.

---

<sup>4</sup> Per 20 CSR 4240-3.130.5 - The application shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

**WHEREFORE**, Staff respectfully submits this recommendation that the Commission issue an order approving The Agreement – noting in its order that no ratemaking determinations are being made as a part of its report – granting the requested waiver of 20 CSR 4240-4.017(1)(D), ordering Ameren Missouri to file revised tariffs, and for such further orders as the Commission deems appropriate.

Respectfully submitted,

**/s/ Tracy D. Johnson**

Tracy D. Johnson #65991  
Senior Staff Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Mo 65102-0360  
(573) 526-5343  
[tracy.johnson@psc.mo.gov](mailto:tracy.johnson@psc.mo.gov)

Attorney for the Staff of the  
Missouri Public Service Commission

**CERTIFICATE OF SERVICE**

The undersigned by their signature below certifies that the foregoing pleading was served upon all counsel of record on this February 9th, 2024, by electronic filing in EFIS, electronic mail, hand-delivery, or U.S. postage prepaid.

**/s/ Tracy D. Johnson**



## **OVERVIEW**

On January 3, 2024, Ameren Missouri and Tri-County filed an Application with the Commission seeking approval of their TA. The Joint Applicants subsequently filed the Joint Application on January 29, 2024 and further amended this Joint Application on February 5, 2024<sup>3</sup>. This TA designates exclusive service area boundaries in Adair County, MO, as these service area boundaries pertain to the Joint Applicants, located within or around the city of Kirksville, MO. The Joint Applicants assert that approval of the TA which would establish exclusive service territories and service rights, as between them, will result in reducing/preventing future duplication of electric service facilities, which leads to increased economic efficiencies and future cost savings. Approval of the TA will also be a benefit to public safety and community aesthetics. Both Ameren Missouri and Tri-County will continue to have service rights and responsibilities beyond the service area boundaries defined in this TA. The TA does not include an exchange of any customers or facilities. The Staff is not aware of any other matter before the Commission that affects, or is affected by, this filing.

## **DISCUSSION**

Rural Electric Cooperatives, such as Tri-County, generally serve customers in “rural areas.” Section 394.020.3 RSMo 2021 defines a “rural area” as having a population of less than 1,600 inhabitants.<sup>4</sup> The population of Kirksville, Missouri has been greater than 1,600 for quite some time. Nonetheless, Tri-County has a limited number of members

---

<sup>3</sup> The Joint Applicants added Amendment No. 1 to their TA, which consisted of revising Paragraph 1B on Page 2.

<sup>4</sup> Section 394.020.3 states, in relevant part, that ““Rural area" shall be deemed to mean any area of the United States not included within the boundaries of any city, town or village having a population in excess of sixteen hundred inhabitants...”

within the city limits of Kirksville, MO. Predominantly, these would be associated with structures on properties to which Tri-County had established electric service prior to these properties being annexed within the city limits. In general, Tri-County would not be able to legally serve any new structures on properties that lie within the city limits of Kirksville but for the few exceptions listed in Section 394.080.2 RSMo 2021. However, an allowance to this prohibition includes entering into territorial agreements, such as the proposed TA in the Joint Application.

The Joint Applicants entered into their proposed TA on January 2, 2024, and proceeded to file it with the Commission on January 3, 2024, seeking expedited treatment. This TA initially defined certain areas in Adair County, within and around the City of Kirksville, Missouri, as Tracts One, Two, and Three (“Tracts”) and these Tracts were reflected as exclusive service territories to Tri-County and Ameren Missouri respectively, as stated in Paragraph 1B on Page 2. However, the Joint Applicants filed Amendment No. 1 to their TA on February 5, 2024. Amendment No. 1 revised the aforementioned Paragraph 1B to only identify two “Tracts” (Tract 1 and Tract 2), which reflects the exclusive service territories of Tri-County and Ameren Missouri respectively). Detailed legal descriptions of these exclusive service territories are included in the TA as Exhibits A and B for Tri-County and Ameren Missouri respectively. Also included is an illustrative map depicting these areas as required by 20 CSR 4240-3.130(1)(A). The TA does not include an exchange of customers or facilities between the Joint Applicants, nor revised tariffs. However, if the Commission approves the proposed TA, Staff recommends Ameren Missouri file a revised tariff sheet as identified in the Joint Application (Union Electric Company - Mo. P.S.C. Schedule No. 6, Original Sheet

No. 4 (Adair County)). This revised tariff sheet should reflect the changes made to its certificated service area per the terms of the TA.

Each Applicant will continue to have service responsibilities outside of the boundaries specified in the proposed TA. Further, the TA does not impair each Applicant's ability to build generation, transmission, or distribution facilities within the exclusive service area boundaries of the other Applicant in their provision of electric service. The TA also contains terms that allow each Applicant to serve customers located in the exclusive service territory of the other on a case-by-case basis, provided that each agree and the Commission grants the specific request. There are no other known electric service providers in the area; the proposed Agreement is strictly between the Joint Applicants and will have no effect on any other prospective provider.

The Joint Applicants requested a waiver from providing a sixty-day notice of their Joint Application, and associated TA, as required by 20 CSR 4240-4.017.<sup>5</sup> Such waiver requests may be granted for "good cause shown" per 20 CSR 4240-4.017(1)(D). Good cause can be illustrated via a verified declaration from the filing party that it has had no communications with the office of the commission within the last 150 days prior to filing that concerned any pertinent issues likely to be involved in the case. Each of the Joint Applicants provided Affidavits that attest to neither having such communications with any office of the commission in the last 150 days, as premised in 20 CSR 4240-4.015(10).

---

<sup>5</sup> 20 CSR 4240-4.017 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..."



The Joint Applicants requested expedited treatment regarding gaining Commission approval of their proposed TA, which can now proceed as the Joint Applicants have provided the required filing fee of \$500.00, as required by 20 CSR 4240-3.120, on February 6, 2024, in spite of attesting to providing said fee in Paragraph 12 of their initial Application filed on January 3, 2024. Again, Joint Applicants also corrected Paragraph 1B, on Page 2, of their TA via filing Amendment No. 1 to their TA on February 5, 2024, which reduced the number of Tracts reflected in the TA from three to two.

### **CONCLUSION**

Having rectified the aforementioned deficiencies, Staff recommends the Commission approve the request of Joint Applicants' TA, as filed on February 5, 2024, which creates exclusive service areas as between Ameren Missouri and Tri-County in a distinctly described area of Adair County, Missouri, within and around the City of Kirksville. Staff recommends the Commission conclude that the proposed TA, as described in the Joint Application, is not detrimental to the public interest as required under Sections 394.312.4 RSMo 2021 and 20 CSR 4240-3.130. It is Staff's conclusion that the Joint Application, as amended, contains the requirements for requesting such territorial agreements included in 20 CSR 4240-2.060 and 20 CSR 4240-3.130.

Staff agrees with the Joint Applicants, who have stated that designating exclusive service territories, such as those included in the subject TA, generally prevents future duplicative installations of electric service facilities. This will enhance public safety and community aesthetics. The TA contains a procedure which will allow either Applicant to serve a customer located in the defined exclusive service territory of the other should the

need arise. The TA also does not preclude either Applicant from adding generation, transmission, or distribution facilities within the exclusive service territory of the other if necessary. This TA only pertains to Ameren Missouri and Tri-County; it has no effect on any other electric service provider, although there are no other known providers of electric service in the area referenced in the TA.

Staff further recommends the Commission grant the Joint Applicants' request for a waiver regarding the filing requirements contained in 20 CSR 4240-4.017 as described above. In addition, Staff recommends that the Commission Order Ameren Missouri to update its tariff sheets that illustrate the limitations placed on their certificated area in Adair County, Missouri as described in the proposed TA.

**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 Approving a        )  
Territorial Agreement Regarding Service to    )  
Customers in Adair County, Missouri        )


**File No. EO-2024-0208**

**AFFIDAVIT OF ALAN J. BAX**

STATE OF MISSOURI    )  
                                  )    ss.  
COUNTY OF COLE     )

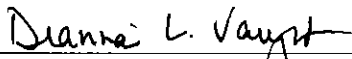
COMES NOW ALAN J. BAX, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

  
\_\_\_\_\_  
ALAN J. BAX

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 9<sup>th</sup> day of February 2024.

  
\_\_\_\_\_  
Notary Public

DIANNA L. VAUGHT  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: July 18, 2027  
Commission Number: 15207377