

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

In the Matter of the Application of            )  
SULLIVAN DEVELOPMENT                    )  
PROPERTIES, LLC, for Change of            )  
Electric Supplier                            )

File No. EO-2024-0251

**RESPONSE OF THE CITY OF FARMINGTON, MISSOURI,  
TO THE APPLICATION OF SULLIVAN DEVELOPMENT  
PROPERTIES, LLC FOR CHANGE OF ELECTRIC SERVICE PROVIDER**

COMES NOW City of Farmington, Missouri (“Farmington”), by and through counsel, R. Scott Reid, and for its Response to the Application (“Application”) of Sullivan Development Properties, LLC (“Sullivan”) for change of electric supplier, respectfully states as follows:

1. Farmington admits the allegations set forth in Paragraph 1 of Sullivan’s Application.
2. For its answer to Paragraph 2 Farmington states that it is Farmington’s belief and understanding that the structure located on Sullivan’s property has never received electrical service from any electrical service provider and therefore denies the allegations set forth in Paragraph 2 of Sullivan’s Application.
3. Farmington denies the allegations set forth in Paragraph 3 for the reason that it is prohibited from providing electric service to Sullivan’s property since the property and structure at issue are located outside the city limits of Farmington. RSMo. §386.800. Farmington is willing and able to provide electric service to Sullivan in the event Sullivan annexes its property into the City of Farmington.

4. For its answer to Paragraph 4 Farmington admits that Applicant is requesting the City of Farmington, Missouri, to provide electric service to its property but denies the remaining allegations set forth in Paragraph 4 for the reason that the property and structure located on the property are not currently served by any electric service provider and is located outside the city limits of Farmington, Missouri.

5. Farmington denies the allegations set forth in Paragraph 5 for the reason that it is unable to provide electric service to Sullivan's property since it is located outside the city limits of Farmington, Missouri. RSMo. § 386.800.

6. For its answer to Paragraph 6 Farmington states that it is unable to serve Sullivan's property due to the property being located outside the city limits of Farmington, Missouri, and Farmington is willing and able to provide service to Sullivan's property only upon Sullivan annexing its property into the city limits of Farmington, Missouri.

7. RSMo. 386.800 prohibits Missouri municipalities from providing electric service:

. . . to any structure located outside the municipality's corporate boundaries after July 11<sup>th</sup>, 1991, unless: (1) The structure was lawfully receiving permanent service from the municipally owned electric utility prior to July 11<sup>th</sup>, 1991; (2) the service is provided pursuant to an approved territorial agreement under Section 394.312; or (3) the service is provided pursuant to lawful municipal annexation and subject to the provisions of this section; or (4) the structure is located in an area which was previously served by an electrical corporation regulated under this chapter in Chapter 393 and the electric corporation's authorized service territory was contiguous to or inclusive of the municipality's previous corporate boundaries and the electric corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11<sup>th</sup>, 1991.

RSMo. § 383.800. To Farmington's knowledge, the structure located on Sullivan's property did not receive permanent service from City of Farmington before July 11, 1991.

Farmington is unaware of any approved territorial agreement allowing it to provide service

to Sullivan's property. To date, Sullivan has not requested an annexation of its property into the city limits of Farmington, Missouri. To Farmington's knowledge and understanding, Sullivan's property was not previously served by an electrical corporation that has been acquired by the City of Farmington before July 11, 1991. Accordingly, none of the exceptions to RSMo. 386.800 apply to Sullivan's Application. Therefore, Farmington is unable to provide electric service to Sullivan's property unless and until Sullivan annexes its property into the city limits of Farmington, Missouri. At such time Farmington is ready, willing and able to provide service to Sullivan's property, subject to all applicable zoning ordinances, building codes, and other requirements set forth in the code of the City of Farmington, Missouri.

WHEREFORE, Farmington prays for this Commission's order denying Sullivan's Application or, in the alternative, staying Sullivan's Application until such time as Sullivan completes the annexation of its property into the city limits of Farmington, Missouri; and requests that the Commission grant such other and further relief as the Commission deems just and appropriate under the circumstances.

Respectfully submitted,

SCHNAPP, SILVEY, REID &  
BOLLINGER, LLC

By: /s/ R. Scott Reid

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was U.S. mailed, hand-delivered, transmitted by facsimile or electronically mailed to counsel of record on this 3rd day of May, 2024, to the below parties and counsel of record:

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/s/ R. Scott Reid

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