

**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            )  
Addendum to the Parties' Territorial         )  
Agreement Designating the Boundaries        )  
Of Exclusive Service Areas within            )  
Portions of Bates County.                    )

File No. \_\_\_\_\_

**JOINT APPLICATION**

COME NOW The City of Butler (City) and Osage Valley Electric Cooperative (Osage Valley) (collectively, Applicants), by and through their respective counsel, and for their Joint Application to the Missouri Public Service Commission (the "Commission"), pursuant to 4 CSR 240-2.060, 20 CSR 4240-3.130, and RSMo. §394.312 and §416.041, for an order approving Applicants' First Addendum to the Parties' Territorial Agreement (Addendum), respectfully state as follows:

**The Applicants**

1. City is a Missouri city of the 3<sup>rd</sup> Class organized and existing under the laws of Missouri with its principal office located at 22 W. Ohio, P.O. Box 420, Butler, Missouri 64730. City is engaged in the business of providing electrical and water utility services to the citizens of the City within city limits.

2. City has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this Application. City has no overdue Commission annual reports or assessment fees.

3. Osage Valley is a rural electric cooperative organized and existing pursuant to Chapter 394, RSMo, with its headquarters located at 1321 N. Orange Street, Butler, Missouri

64730. 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. Osage Valley has no pending or final judgments or decisions against it from any state or federal agency or court which involve its customer service or rates within the three years immediately preceding the filing of this Joint Application. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for Osage Valley was filed in Case No. EO-2021-0339 and is incorporated herein by reference.

**Correspondence and Communication**

4. Correspondence, communications, orders, and decisions regarding this Application should be directed to:

James A. Newell  
Lauber Municipal Law, LLC  
4031 NE Lakewood Way  
Lee's Summit, Missouri 64064  
Telephone: (816) 523-7881  
Email: [jnewell@laubermunicipal.com](mailto:jnewell@laubermunicipal.com)

Megan E. McCord, #62037  
Friel, McCord & Smiley, LLC  
P.O. Box 14287  
Springfield, MO 65814  
Telephone: 417-227-8405  
Email: [mmccord@reclawfirm.com](mailto:mmccord@reclawfirm.com)

5. **The Territorial Agreement.** Subject to the terms and conditions of the Territorial Agreement between Osage Valley Electric Cooperative and Butler (the Agreement), Movants have specifically designated the boundaries of exclusive electric service areas within Bates County, Missouri, which Agreement was executed by the parties hereto on September 9, 2022 and was approved by the Commission in Case No. EO-2023-0126 on February 1, 2023 and effective on March 3, 2023. Movants have attached a copy of the Territorial Agreement, in its

form as approved by the Commission, to this Application as **Appendix A**, which is incorporated by reference and made a part hereof for all purposes.

6. **Addendum.** Article 15 of the Territorial Agreement (p. 4) addresses addendums to vary the boundaries of the Territorial Agreement on a case-by-case basis. This Application is filed in accordance with that provision. Movants have attached the Addendum to this Application as **Appendix B**.

7. **No Changes of Suppliers.** 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, as required by 20 CSR 4240-3.130(1)(E), is included.

8. **Other Electric Suppliers.** To Applicants' knowledge and belief, there are no other electric suppliers serving in the areas covered by this Agreement.

9. **Public Interest.** The Agreement is not detrimental to the public interest and the proposed change in electric service area designation is in the public interest, because the Agreement prevents duplication of electric service facilities.

10. **Hearing.** The City and Osage Valley agree that, pursuant to Section 394.312(5) RSMo, there is no need to hold an evidentiary hearing on the Agreement.

WHEREFORE, Applicants respectfully request that the Commission issue its report and order: (a) finding that the designation of electric service areas is not detrimental to the public interest and approving the Applicants' First Addendum to the parties' Territorial Agreement; and (b) authorizing Applicants to perform in accordance with the terms and conditions of the Agreement.

Respectfully submitted,


ATTORNEYS FOR THE CITY:

/s/ James A. Newell

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James A. Newell, # 66970  
Lauber Municipal Law  
4031 NE Lakewood  
Lee's Summit, Missouri 64064  
Telephone: (816) 525-7881  
Email: [jnewell@laubermunicipal.com](mailto:jnewell@laubermunicipal.com)

ATTORNEYS FOR OSAGE VALLEY  
ELECTRIC COOPERATIVE:



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Megan E. McCord #62037  
Friel, McCord & Smiley, LLC  
P.O. Box 14287  
Springfield, MO 65814  
Telephone: 417-227-8405  
Email: [mmccord@reclawfirm.com](mailto:mmccord@reclawfirm.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on July 24, 2024, 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  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, Missouri 65102  
staffcounsel@psc.mo.gov

  
\_\_\_\_\_  
Megan E. McCord

**VERIFICATION**

STATE OF MISSOURI     )  
  ) ss  
COUNTY OF CASS        )

Being first duly sworn, James W. Henry states as follows: that he is the Mayor of the City of Butler and that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that attorney James A. Newell of Lauber Municipal Law is authorized by the City of Butler to make this filing and represent the City in this matter.

  
\_\_\_\_\_  
James W Henry

Subscribed and sworn to before me this 9<sup>th</sup> day of July, 2024.

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



VERIFICATION

STATE OF MISSOURI     )  
  ) ss  
COUNTY OF Bates     )

Being first duly sworn, Jarrod Campbell states as follows: that he is the Manager of Osage Valley Electric Cooperative; that he has read the foregoing application; that the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief; and, that Megan E. McCord of Friel, McCord & Smiley, LLC is authorized by Osage Valley Electric Cooperative to make this filing and represent it in this matter.

  
\_\_\_\_\_  
Jarrod Campbell

Subscribed and sworn to before me this 15<sup>th</sup> day of June, 2024.

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

JANA L. ROSIER  
NOTARY PUBLIC - NOTARY SEAL  
STATE OF MISSOURI  
MY COMMISSION EXPIRES AUGUST 30, 2024  
BATES COUNTY  
COMMISSION #12379472