

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Union Electric )  
Company d/b/a Ameren Missouri and Farmers' )  
Electric Cooperative, Inc. for an Order Approving ) **File No. EO-2020-0060**  
An Addendum to a Territorial Agreement Regarding )  
Service to Customers in Livingston and Daviess )  
Counties, Missouri. )

## ORDER DIRECTING NOTICE, SETTING INTERVENTION DEADLINE AND DIRECTING STAFF RECOMMENDATION

Issue Date: September 9, 2019

Effective Date: September 9, 2019

On September 4, 2019, Farmers' Electric Cooperative (Farmers') and Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) filed a joint application with the Commission for approval of an addendum to an approved territorial agreement. The applicants propose to amend their existing territorial agreement to allow Farmers' to serve two customers currently within Ameren Missouri's service area. The application represents that approval of the addendum to the territorial agreement will not change any of the other terms or conditions of the territorial agreement or change the boundaries of the exclusive electric service territories of either Farmers or Ameren Missouri.

The law requires the Commission to rule on the application no later than 120 days from the application's filing date,<sup>1</sup> and provides the right to a hearing.<sup>2</sup> The right to a hearing on a territorial agreement signifies a contested case.<sup>3</sup> A contested case is a

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<sup>1</sup> Section 394.312.4, RSMo 2016.

<sup>2</sup> Section 394.312.5, RSMo 2016.

<sup>3</sup> Section 536.010(4), RSMo 2016.

formal hearing procedure, but it allows for waiver of procedural formalities<sup>4</sup> and a decision without a hearing,<sup>5</sup> including by stipulation and agreement.<sup>6</sup> This notice does not require any party to file an answer.<sup>7</sup> The Commission's rules of discovery are set forth at 20 CSR 4240-2.090.

The statutes provide that "notice of such filing shall be given to other electrical suppliers pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity."<sup>8</sup> No such regulation contains any provision for notice. Therefore, the Commission will order notice delivered to elected officials and published in newspapers. The Commission will also set a deadline for intervention and direct the filing of a staff recommendation.<sup>9</sup>

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send a copy of this order to the county commissioners of Livingston County and Daviess County, Missouri.
2. The Commission's Public Policy and Outreach Department shall make this notice available to the members of the General Assembly representing Livingston County and Daviess County, Missouri and to the newspapers and other media serving that county.

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<sup>4</sup> Sections 536.060(3) and 536.063(3), RSMo 2016.

<sup>5</sup> Sections 536.060, RSMo 2016.

<sup>6</sup> Section 394.312.5, RSMo 2016; 20 CSR 4240-2.115.

<sup>7</sup> Section 536.067(2)(d), RSMo 2016.

<sup>8</sup> Section 394.312.4, RSMo 2016.

<sup>9</sup> The Joint Application explains that the approved territorial agreement provides that unless Staff or the Office of the Public Counsel objects to the proposed addendum within 45 days of its filing they are to be deemed to be in agreement with the addendum. Nevertheless, the Commission will direct its Staff to file a recommendation within that 45-day period. .

3. Any person or entity wishing to intervene in this matter shall file an application to intervene no later than September 29, 2019. Such applications shall be filed by delivery to:

Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

or by using the Commission's electronic filing and information system (EFIS).

4. Staff shall file its recommendation no later than October 18, 2019.
5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Ronald D. Pridgin, Regulatory Law Judge  
by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 9<sup>th</sup> day of September, 2019.

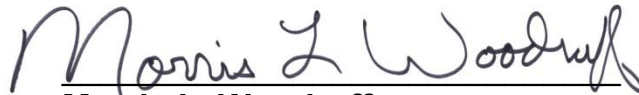
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9<sup>th</sup> day of September 2019.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**September 9, 2019**

**File/Case No. EO-2020-0060**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**County of Daviess, Missouri**

County Commission Clerk  
102 N Main  
Daviess County Courthouse  
Gallatin, MO 64640

**County of Livingston, Missouri**

County Commission Clerk  
700 Webster St., Ste. 10  
Livingston County Courthouse  
Chillicothe, MO 64601

**Farmers' Electric Cooperative,  
Inc.**

Dana J Macoubrie  
2nd Floor, Citizens Bank & Trust  
Building  
P.O. Box 467  
Chillicothe, MO 64601  
danamacoubrie@yahoo.com

**Missouri Public Service  
Commission**

Steve Dottheim  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
steve.dottheim@psc.mo.gov

**Union Electric Company**

Paula Johnson  
1901 Chouteau Avenue  
St Louis, MO 63103  
AmerenMOS@ameren.com

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.