

**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 Co-Mo Electric Cooperative, Inc.        )  
to Amend Territorial Agreement                         )

**File No. EO-2025-0092**

**STAFF'S RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and makes the following recommendation on the Joint Application of Union Electric Company d/b/a Ameren Missouri and Co-Mo Electric Cooperative, Inc. (“Joint Applicants”) for approval of an amendment to an existing territorial agreement. The Commission set October 8, 2024, as a deadline for intervention and October 15, 2024, as a deadline for a Staff recommendation or status report. Staff has conducted a complete investigation of the joint application and has prepared a memorandum setting out fully and in detail its investigations, findings, and recommendation. That memorandum is being filed contemporaneously with this Recommendation.

As explained in the memorandum, the proposed amendment is a “second” amendment to an existing territorial agreement between the joint applicants and seeks to bring the territorial agreement into accord with the change of electrical suppliers which Richard and Felicia Murphy have previously reached and memorialized in a Stipulation and Agreement filed in Case No. EO-2024-0331. The agreement and proposed amendment concern property located at 1915 Tisdale Drive, Boonville, Missouri, and provide that Ameren Missouri will provide electric service for that property. Section 394.312.5, RSMo, provides that territorial agreements reached between rural electric cooperatives, electrical corporations and municipally owned utilities may be

approved if the Commission determines that approval “in total is not detrimental to the public interest.”

As explained in Staff’s memorandum, its investigation shows that Ameren Missouri can more effectively and efficiently service the property. Ameren Missouri has an existing distribution line routed along the boundary of the property from which a service line can be dropped to provide electric service. In contrast, to provide the service, Co-Mo will need to install new facilities to provide service that Ameren can already provide either with existing facilities or with relatively modest facility adjustments. Specifically, Co-Mo would need to install a nearly three-quarter mile extension from its nearest existing facilities to provide the needed service. For these reasons, Staff concludes that approval of the proposed amendment to the territorial agreement “in total is not detrimental to the public interest.”

Staff recommends approval of the proposed amendment on the following terms and/or conditions:

1. The order should expressly reflect that the property is removed from Co-Mo’s exclusive Service Area No. 2 and placed within Ameren Missouri’s exclusive Service Area No. 1.
2. The Commission should order Ameren Missouri to file a revised tariff sheet similar to the example provided in the application and, specifically, setting out a map and/or legal description reflecting Ameren Missouri’s territorial boundaries per the amendment.

3. The Commission's order should confirm that the approval will have no effect on Ameren Missouri's rates, with any rate considerations to be reserved to the currently open rate increase request in case number ER-2024-0319.

**WHEREFORE**, Staff prays that the Commission will accept this pleading as compliant with the Commission's Orders.

Respectively Submitted,

/s/ Paul T. Graham

Paul T. Graham #30416

Senior Staff Counsel

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Attorney for the Staff of the

Missouri Public Service Commission

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 10<sup>th</sup> day of October, 2024.

/s/ Paul T. Graham

## **MEMORANDUM**

TO: Missouri Public Service Commission Official Case File  
Case No. EO-2025-0092 – In the Matter of the Joint Application of Union  
Electric Company d/b/a Ameren Missouri and Co-Mo Electric Cooperative, Inc.  
to Amend Territorial Agreement

FROM: Alan J. Bax – Engineering Analysis Dept., Industry Analysis Division

/s/ Alan J. Bax / 10/10/2024  
Engineering Analysis/ Date

SUBJECT: Staff Memorandum Recommending Approval of Application

DATE: October 10, 2024

### **STAFF RECOMMENDATION**

Staff of the Missouri Public Service Commission (“Staff”) recommends that the Missouri Public Service Commission (“Commission”) approve the Joint Application of Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) and Co-Mo Electric Cooperative, Inc. (“Co-Mo”), referenced collectively as the Joint Applicants (“Joint Applicants”). The Joint Application includes the Second Amendment to the Joint Applicants’ Territorial Agreement (“Second Amendment”). Approval of the Second Amendment memorializes the Stipulation and Agreement reached by the Joint Applicants in regard to the Application of Richard and Felicia Murphy (“Murphys”) for a change in electric service suppliers at 1915 Tisdale Drive, Boonville, MO 65233 (“Property”), which was filed in Case No. EO-2024-0331. Commission approval of the Second Amendment formalizes Ameren Missouri as the electric service provider to the Property. Staff recommends that the Commission conclude that this Joint Application is not detrimental to the public interest pursuant to §§ 394.312 and 416.041, RSMo (2021), and Commission Rules 20 CSR 4240-2.060 and 20 CSR 4240-3.130.

### **OVERVIEW**

On May 3, 2024, in Case No. EO-2024-0331, the Murphys filed an Application requesting Commission approval to change electric service providers to a home being constructed on the Property from Co-Mo to Ameren Missouri. Co-Mo initially opposed the Murphys’ request, maintaining that the Property was now located within Co-Mo’s exclusive electric service area per

the terms of the Joint Applicants' Territorial Agreement ("TA"). Ultimately, Ameren Missouri and Co-Mo filed a Stipulation and Agreement in Case No. EO-2024-0331, which allowed the Murphys to receive electric service at the Property from Ameren Missouri and also contemplated subsequently filing an Amendment to the Joint Applicants' TA reflecting this outcome. The current Joint Application fulfills these terms included in the aforementioned Stipulation and Agreement.

Co-Mo is a rural electric cooperative organized under Chapter 394, RSMo (2021) to provide electric service to its members in all or parts of nine Missouri counties, including Cooper County, in which lies the Property that is the subject of the Joint Application. As a rural electric cooperative, Co-Mo is not required to file annual reports or pay assessment fees. Further, Staff is not aware of any pending or final unsatisfied judgments against Co-Mo from any state or federal court involving customer service or rates within three years of the date of filing this Joint Application.

Ameren Missouri is an electrical corporation subject to the jurisdiction of the Commission as specified, in part, by Chapters 386 and 393, RSMo (2020). Ameren Missouri is current in regard to filing required annual reports and payments of its assessment dues. Staff is currently not aware of any unsatisfied judgments or decisions against Ameren Missouri in any state or federal agency or court involving customer service or rates that would have bearing on the immediate case. Staff notes that Ameren Missouri has a current request for an increase in its electric rates before the Commission in Case No. ER-2024-0319.

### **DISCUSSION**

The Property is located on a three-acre parcel of land that was part of a greater twenty-eight (28) acre parcel. Per the terms contained in the Joint Applicants TA, which was approved by the Commission in its Report and Order in Case No. EO-2022-0332, this 28-acre parcel lies within the exclusive service territory of Co-Mo. However, despite CO-Mo's initial opposition to supporting the request to change electric service providers, the Joint Applicants eventually agreed

that Ameren Missouri could more effectively and efficiently provide the electric service desired at the Property. Ameren Missouri has an existing distribution line routed along the boundary of the Property from which a service line could be dropped in, providing electric service to the Property. In comparison, Co-Mo would need to install duplicative facilities and a nearly three-quarter mile extension from its nearest available facilities. Ameren Missouri and Co-Mo agreed to submit a Stipulation and Agreement that noted these aforementioned factors and also contemplated subsequently filing an Amendment to their TA, which is the subject of their current Joint Application.

The Second Amendment was filed per Paragraph 11.3 of their TA. As identified in the Second Amendment, the Joint Applicants will transfer the Property from Co-Mo's exclusive Service Area No. 2 into Ameren Missouri's exclusive Service Area No. 1, as described in their TA, should the Commission approve their Joint Application.

The Joint Application contains the requirements specified in Commission Rules 20 CSR 4240-2.060 and 20 CSR 4240-3.130. Should the Commission approve the Joint Application, the Commission should order Ameren Missouri to file a revised tariff sheet similar to the example provided with the Joint Application. In addition, the Commission should note that its approval of the Second Amendment will not have any effects on Ameren Missouri's rates. Any such effects can be addressed within the context Case No. ER-2024-0319.

### **CONCLUSION**

Staff recommends that the Commission approve the Joint Application, concluding that the proposed Second Amendment is not detrimental to the public interest pursuant to § 394.312 and 416.041, RSMo (2020). The Joint Applicants addressed the requirements specified in Commission Rules 20 CSR 4240-2.060 and 20 CSR 4240-3.130. Commission approval of the Joint Application would allow Ameren Missouri to be the electric service provider to the Property, as it complies with the Stipulation and Agreement previously approved by the Commission in Case No. EO-2024-0331. Should the Commission approve the Joint Application, the Property will be

removed from Co-Mo's exclusive Service Area No. 2 and will be placed in Ameren Missouri's exclusive Service Area No. 1 as these areas are described in the Joint Applicants' TA. Commission approval of the Second Amendment will have no effects on Ameren Missouri rates, which will be assessed in Case No. ER-2024-0319. Staff recommends the Commission order Ameren Missouri to file revised tariff sheets that reflect the Ameren Missouri territorial boundaries per the terms of the Second Amendment.

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Inc. to Amend Territorial Agreement        )

**File No. EO-2025-0092**

**AFFIDAVIT OF ALAN J. BAX**

STATE OF MISSOURI    )  
                                  ) ss.  
COUNTY OF COLE     )

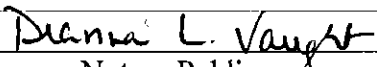
COMES NOW ALAN J. BAX, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to his best knowledge and belief.

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 10<sup>th</sup> day of October 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