

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

In the Matter of the Joint Motion of)
Osage Valley Electric Cooperative, Inc. and)
Evergy Missouri West, Inc. d/b/a Evergy) Case No. _____-2021-_____
Missouri West For Approval of a Third)
Addendum to the Parties’ Territorial)
Agreement designating the Boundaries of)
each electric service Supplier within)
portions of Cass County)

JOINT MOTION FOR APPROVAL OF THIRD ADDENDUM

COME NOW, Osage Valley Electric Cooperative (“Osage Valley”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”), hereinafter referred to collectively as “Movants,” by and through their respective counsel, and for their Joint Motion to the Missouri Public Service Commission (“Commission”), pursuant to the terms of the Territorial Agreement, for an order approving Movants’ Third Addendum to Territorial Agreement (Addendum), respectfully state as follows:

1. **The Movants.** Osage Valley is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 1321 Orange St, Butler, MO 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 action or final judgments or decisions against it from any state or federal agency or court that involve its customer service or rates within the three years immediately preceding the filing of this Joint Application. Osage Valley has no overdue annual report or assessment fees. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for Osage Valley is attached hereto and marked **Appendix A**.

2. Evergy Missouri West is a Delaware corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64105. Evergy Missouri West is primarily engaged in the business of providing electric and steam utility service in Missouri to the public in its certificated areas. Evergy Missouri West is an electrical corporation and public utility as defined in Section 386.020 (2000), as amended. *Id.* A Certificate of Authority for a foreign corporation to do business in the State of Missouri, evidencing the Evergy Missouri West's authority under the law to conduct business in the State of Missouri, was filed with the Commission in Case No. EN-2020-0064 and is incorporated herein by reference in accordance with 20 CSR 4240-2.060(1)(G). Evergy Missouri West's fictitious name registration was filed in Case No. EN-2020-0064 and is incorporated herein by reference.

3. **Correspondence and Communication.** Correspondence, communications, and orders in regard to this Joint Application should be directed to:

Megan E. Ray
Andereck, Evans, Lewis, Figg & Battagler, LLC
3816 S. Greystone Ct., Ste. B
Springfield, MO 65804
417-864-6401 (telephone)
417-864-4967 (fax)
e-mail: mray@lawofficemo.com

Roger Steiner
Evergy, Inc.
1200 Main Street
Kansas City, Missouri 64105
816-556-2314 (telephone)
e-mail: roger.steiner@evergy.com

4. **The Territorial Agreement.** Subject to the terms and conditions of the Territorial Agreement between Osage Valley Electric Cooperative and Evergy (the Agreement), Movants have specifically designated the boundaries of exclusive electric service areas within Cass County, Missouri, which Agreement was executed by the parties hereto on June 1, 2004 and was approved by the Commission in Case No. EO-2004-0603 on September 30, 2004 and effective on October 7, 2004. Movants have attached a copy of the Territorial Agreement, in its

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

5. **Addendum.** Article 7 of the Territorial Agreement (p. 7) addresses addendums to vary the boundaries of the Territorial Agreement on a case-by-case basis. This Motion is filed in accordance with that provision.

Attached to this Motion is a copy of the Third Addendum to the Territorial Agreement. The Addendum is marked **Appendix C** and is incorporated by reference and made a part hereof for all purposes. A map showing the tract subject to the Addendum was made a part of the Addendum.

6. **Customer Statement.** The parties have further attached as **Appendix D** the Affidavit of the owner of record of the Parcel, Steve Cowger, a Member of CC Land & Cattle, LLC, giving his consent to the Addendum.

7. **No Changes of Suppliers.** The Addendum does not require transfer of any facilities or customers between the Movants, so no list of structures and persons whose utility service would be changed by the Addendum, as required by 4 CSR 240-3.130(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 Addendum is in the public interest because it establishes exclusive service territories for new structures for the two electric suppliers. This Addendum also minimizes a duplication of utility facilities to this particular parcel. The establishment of exclusive service territories will prevent future duplication of electric service facilities, promote economic efficiencies and benefit the public safety and aesthetics of the community. Osage

Valley currently has electric facilities located on the Parcel from which Osage Valley can serve the Parcel.

10. **Service Responsibilities.** Each Movant will continue to have service responsibilities beyond the terms of the Third Addendum unaffected thereby.

11. **Filing Fee.** Pursuant to 4 CSR 240-3.130(4), no filing fee is required.

WHEREFORE, Applicants respectfully request that the Public Service Commission of Missouri issue its order:

- (a) Finding that the exclusive provision of electric service by Osage Valley to the Parcel is not detrimental to the public interest and approving the Movants' Third Addendum to Territorial Agreement; and
- (b) Authorizing Movants to perform in accordance with the terms and conditions of the Third Addendum.

Respectfully submitted,

ATTORNEY FOR EVERY:

/s/ Roger W. Steiner

Robert J. Hack MBN#36496

Roger W. Steiner MBN#39586

Evergy, Inc.

1200 Main Street, 16th Floor

Kansas City, Missouri 64105

Telephone: (816) 556-2791

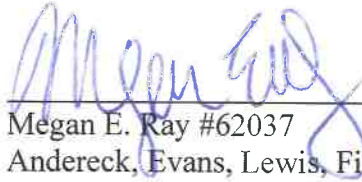
Telephone: (816) 556-2314

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E-mail: Rob.Hack@evergy.com

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ATTORNEY FOR OSAGE VALLEY
ELECTRIC COOPERATIVE:



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Email: mray@lawofficemo.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on April 9, 2021, 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



VERIFICATION

STATE OF MISSOURI)
) ss
COUNTY OF Bates)

Being first duly sworn, Jarrod Campbell states as follows: that he is the General Manager of Osage Valley Electric Cooperative, Inc.; 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. Ray of Andereck, Evans, Lewis, Figg & Battagler, L.L.C. is authorized by Osage Valley Electric Cooperative, Inc. to make this filing and represent it in this matter.



Jarrod Campbell

Subscribed and sworn to before me this 8th day of April, 2021.



Notary Public

KYL A. YOHE
Notary Public - Notary Seal
State of Missouri
Commissioned for Bates County
My Commission Expires: June 11, 2023
Commission Number: 15412946