

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 12<sup>th</sup> day of January, 2022.

In the Matter of the Joint Motion of Lewis )  
County Rural Electric Cooperative Association )  
and Union Electric Company d/b/a Ameren )  
Missouri for Approval of a First Addendum to ) **File No. EO-2022-0102**  
the Parties' Territorial Agreement Designating )  
the Boundaries of each Electric Service )  
Supplier Within Portions of Scotland County )

**REPORT AND ORDER APPROVING FIRST ADDENDUM TO  
TERRITORIAL AGREEMENT**

Issue Date: January 12, 2022

Effective Date: February 11, 2022

This order approves the First Addendum to the Territorial Agreement (Addendum) between Lewis County Rural Electric Cooperative Association (Lewis County Co-op) and Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) (collectively, the Applicants) to incorporate into Lewis County Co-op's territory in Scotland County, Missouri a five acre parcel that is within Ameren Missouri's service territory.

**Procedural History**

On October 6, 2021, the Applicants filed their *Joint Motion for Approval of First Addendum* (Application). On November 19, the Applicants moved for a waiver of the notice requirements of 20 CSR 4240-4.017.1, pursuant to 20 CSR 4240-4.017.1(D), affirming that they had not had contact with the Commission about the subject to the application within 150 days before filing the application. On November 19, 2021, the Commission issued its Order Directing Notice, Setting Intervention Deadline, and Directing Staff Recommendation. On December 22, 2021, the Commission's Staff filed its Staff Recommendation, recommending approval of the Addendum. No persons have

sought intervention or requested a hearing, nor have the Joint Applicants responded to Staff's Recommendation.

### **Findings of Fact**

1. Lewis County Co-op is a rural electric cooperative organized and existing under the laws of Missouri with its principal office in Lewiston, Missouri. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members in certain counties. Lewis County Co-op is in good standing under the laws of the State of Missouri.

2. Ameren Missouri is engaged in the business of providing electrical services in Missouri to customers in its service areas. Ameren Missouri is an electrical corporation and public utility as defined in Section 386.020, RSMo,<sup>1</sup> and is subject to the jurisdiction and supervision of the Commission as provided by law.

3. The Applicants' Territorial Agreement was approved on July 21, 2000 in File Number EO-2000-630.

4. The Addendum assigns a certain parcel of land in Scotland County, now within the exclusive service area of Ameren Missouri, to the exclusive service area of Lewis County Co-op.

5. Lewis County Co-op has existing facilities installed on the parcel identified in the Addendum capable of providing the level of electric service that is anticipated and/or requested, which would prevent an unnecessary duplication of facilities.

6. No existing customers of either Lewis County Co-op or Ameren Missouri will have their electric service changed by the proposed Addendum.

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<sup>1</sup> All references to the Missouri Revised Statutes will be to 2016.

7. The owner of the affected area has consented to the Addendum.
8. Neither Lewis County Co-op nor Ameren Missouri had any communication with the Commission about the subject of the application within one hundred fifty days before filing the application.

### **Conclusions of Law**

A. Lewis County Co-op is a rural electric cooperative organized under Chapter 394 RSMo, to provide electric service to its members in Missouri.

B. Ameren Missouri is a corporation providing electrical services in Missouri that is subject to the jurisdiction of the Commission per chapters 386 and 393, RSMo. <sup>2</sup>

C. Under Section 394.312.1, RSMo, the Commission has jurisdiction over territorial agreements between electrical corporations and rural electric cooperatives, thus, Lewis County Co-op is subject to the Commission's jurisdiction in this case. <sup>3</sup>

D. Under Sections 394.312.3 and 5, RSMo, the Commission may approve the territorial agreement's service area designation if it is in the public interest and the resulting agreement in total is not detrimental to the public interest.

E. Under Section 394.312.5, RSMo, the Commission must hold an evidentiary hearing on a proposed territorial agreement unless an agreement is made between the parties and no one requests a hearing.

F. Commission Rule 20 CSR 4240-4.017.1 requires that any person intending to file a case before the Commission file notice of the intended filing at least sixty days before the case is filed. Commission Rule 20 CSR 4240-4.017.1(D) provides that the

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<sup>2</sup> Section 386.020 (15), RSMo 2016.

<sup>3</sup> Section 394.312.4, RSMo, states, in relevant part: "[B]efore becoming effective, all territorial agreements entered into under the provision of this section, including any subsequent amendments to such agreements, or the transfer or assignment of the agreement or any rights or obligation of any party to an agreement, shall receive the approval of the public service commission by report and order. . . ."

Commission may waive the sixty-day notice filing requirement for good cause, including the affirmation of the parties that they have not had contact with the Commission about the application within 150 days before filing the application.

### **Decision**

No existing customers of either Lewis County Co-op or Ameren Missouri will be affected in this transaction. Since an agreement has been reached and no hearing has been requested, none is necessary for the Commission to make a determination.<sup>4</sup> Based on the uncontroverted verified pleadings and Staff's recommendation, the Commission determines all material facts support the following determinations and decisions.

The Commission determines that the Addendum is in the public interest and not detrimental to the public interest in that Lewis County Co-op has existing facilities installed on the affected area identified in the Addendum, which will make the most efficient use of the existing facilities and prevent the duplication of facilities.

It is the Commission's decision that the Addendum is in the public interest as a whole and is not detrimental to the public interest. The Commission will waive application of the 60-day notice requirements of Commission Rule 20 CSR 4240-4.017(A) pursuant to 20 CSR 4240-4.017(D). The Commission will approve the Addendum and will order Ameren Missouri to file a revised tariff sheet reflecting the change in its service area.

#### **THE COMMISSION ORDERS THAT:**

1. The Commission waives notice of case filing pursuant to 20 CSR 4240-4.017(D).

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<sup>4</sup> *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

2. The First Addendum to the Territorial Agreement, filed on October 6, 2021, is approved.

3. Ameren Missouri and Lewis County Co-op are authorized to perform the First Addendum to their Territorial Agreement, and all acts and things necessary to performance.

4. This order shall be effective on February 11, 2022.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and Kolkmeier CC., concur and certify compliance with the provisions of Section 536.080, RSMo (2016).

Keeling, Regulatory Law Judge


**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 12<sup>th</sup> day of January, 2022.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**January 12, 2022**

**File/Case No. EO-2022-0102**

**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@opc.mo.gov

**Lewis County Rural Electric Cooperative**  
Megan E Ray  
3816 S Greystone Ct., Suite B  
Springfield, MO 65804  
mray@lawofficemo.com

**Missouri Public Service Commission**  
Karen Bretz  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
Karen.Bretz@psc.mo.gov

**Union Electric Company**  
Eric K Banks  
1824 Chouteau Avenue  
St. Louis, MO 63103  
ericbanks@banksllc.com

**Union Electric Company**  
Jermaine Grubbs  
1901 Chouteau Avenue  
St. Louis, MO 63103  
AmerenMOService@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.