

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

In the Matter of the Application of The Empire        )  
District Electric Company d/b/a Liberty and        )  
Ozark Electric Cooperative for Approval of a        ) Case No. EA-2025-\_\_\_\_\_  
Written Territorial Agreement Designating the        )  
Boundaries of Exclusive Service Areas for Each        )  
in Christian County.                                        )

**JOINT APPLICATION**  
**REGARDING ADDENDUM TO THIRD TERRITORIAL AGREEMENT**

COME NOW The Empire District Electric Company d/b/a Liberty (“Liberty”) and the Ozark Electric Cooperative (“Ozark”), hereinafter referred to collectively as “Applicants,” by and through their respective counsel, and for their Joint Application to the Missouri Public Service Commission (the “Commission”), pursuant to 20 CSR 4240-2.060, 20 CSR 4240-3.130, and Sections 393.106 and 394.312, RSMo., seek an order approving Applicants’ Addendum to Third Territorial Agreement. To facilitate an expedient implementation of Addendum No. 1, Joint Applicants also request a Waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017 and expedited treatment of this Joint Application so that the customers subject to this Joint Application can receive permanent service in a timely manner. In support of their position, the Applicants state as follows:

**Applicants**

1. Liberty is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri, 64801. Liberty is engaged in the business of providing electrical services in Missouri to customers in its service areas. Liberty is an “electrical corporation” and a “public utility,” all as defined in Section 386.020, RSMo., and Liberty is subject to the jurisdiction and supervision of the Commission as provided by law.

2. Liberty has no pending or final unsatisfied judgements or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within the

three years immediately preceding the filing of this Application. Liberty has no overdue Commission annual reports or assessment fees. Liberty's documents of incorporation have been previously filed with the Commission in Case No. EF-94-39 and said documents are incorporated herein by reference in accordance with 20 CSR 4240.2.060(1)(G). A Certificate of Authority from the Missouri Secretary of State to the effect that Liberty, a foreign corporation, is duly authorized to do business in the State of Missouri was filed with the Commission in Case No. EM-2000-369 and is incorporated herein by reference.

3. Ozark is a rural electric cooperative organized and existing under the laws of Missouri and has its principal office at 10943 N. Highway 39, Mount Vernon, Missouri. 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. Ozark 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 Ozark is attached hereto as **Appendix A.**

4. Correspondence, communications, orders, and decisions in regard to this Application should be directed to the undersigned counsel.

### **Third Territorial Agreement**

5. Applicants previously entered into a Third Territorial Agreement, which was approved by the Commission in Case No. EO-2019-0381. A copy of that Third Territorial Agreement is attached hereto as **Appendix B.**

### **Addendum No. 1 to Third Territorial Agreement**

6. **The Service Areas.** Subject to the terms and conditions of Addendum Number 1 to the Third Territorial Agreement between Liberty and Ozark ("Addendum"), Applicants have

specifically designated the boundaries of exclusive electric service areas in north Ozark, Christian County, Missouri, which are particularly described in the Addendum. A copy of the Addendum is attached to this Application as **Appendix C**. A description of the exclusive service areas and maps depicting the service areas under the Addendum are a part of and are incorporated by reference into this Joint Application and made part hereof for all purposes.

7. The Addendum to Third Territorial Agreement establishes exclusive service territory for Ozark and exclusive service territory for Liberty, all in north Ozark, Christian County, Missouri. Liberty has three-phase electrical facilities bordering the east and west sides of the parcels to be designated as Liberty's exclusive service territory. In addition, there are three-phase electrical facilities that go thru the center of the property. In addition to these facilities, there are single phase electrical facilities that come into the property from the east and underground single-phase electrical facilities to the south of the property. Liberty has three-phase electrical facilities bordering the west and south sides of the parcels to be designated as Ozark's exclusive territory. Ozark has three phase facilities along the west side of the property, as well as single phase facilities along the north side of the property. In addition, Ozark has a substation located 0.50 mile northwest, with capacity to serve the property. As to the parcels to be designated as Liberty's exclusive service territory, Ozark has single phase facilities thru the northern end of the property, with limited capacity.

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

9. **Illustrative Tariff.** Liberty already has a certificate of public convenience and necessity to provide utility service in all of Christian County, Missouri. Therefore, Liberty has included with this application an "illustrative tariff" as **Appendix D** reflecting proposed changes to its service territory, as required by 20 CSR 4240-3.130(1)(C).

10. **Public Interest.** The Joint Agreement is in the public interest because it establishes exclusive service obligations for new structures as between the Applicants in the described area. The establishment of exclusive service territories will prevent future duplication of electric service facilities and will also allow electric service customers within the area to know with certainty the supplier of their electric service.

11. **No Change of Suppliers.** The Agreement does not require transfer of any facilities or customers between the Applicants, so no list of persons whose utility service would be changed by the Agreement, as required by 20 CSR 4240-3.130(1)(E), is included.

12. Each Applicant will continue to have service responsibilities beyond the boundaries of the Addendum unaffected by the terms of the Third Territorial Agreement and Addendum.

**Request for Waiver of 60-day Notice Requirement and Expedited Treatment**

13. To facilitate an expedient implementation of Addendum No. 1, the Applicants request a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017, and further request expedited treatment of this Joint Application so that the customers subject to this application can receive permanent service in a timely manner. Section 394.312, RSMo., requires submission to, and approval by, the Commission of territorial agreements and their addendums.

14. Pursuant to 20 CSR 4240-4.0171(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes “a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case...” As indicated in the Affidavits executed by Liberty and Ozark, attached as **Appendix E** and **Appendix F** and incorporated into this Joint Application, respectively, neither Liberty nor Ozark has had any communications with the office of the Commission (as defined by 20 CSR 4240-4.015(10)) regarding any substantive issue likely to be in this case during the preceding 150 days. Accordingly, Liberty and

Ozark have established good cause for a waiver from the 60-day notice requirement of 20 CSR 4240-4.017(1). No other public utility will be affected by granting a waiver from this requirement.

WHEREFORE, the Applicants respectfully request that the Commission issue its order: (a) granting waiver of the 60-day notice requirement; (b) finding that the designation of electric service areas is not detrimental to the public interest and approving the Applicants' Addendum; and (c) authorizing Applicants to perform in accordance with the terms and conditions of the Agreement.

Respectfully submitted,

/s/ Diana C. Carter

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### **CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed in EFIS on this 20<sup>th</sup> day of March, 2025, with notification of the same being sent to all counsel of record and was also sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter