

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

In the Matter of the Joint Application of            )  
Osage Valley Electric Cooperative                )  
Association and the City of Harrisonville        ) **File No. EO-2021-0371**  
for Approval of a Change of Electric            )  
Supplier for a Certain Customer in Cass         )  
County for Reasons in the Public Interest        )

**ORDER DIRECTING NOTICE, A STAFF RECOMMENDATION, AND  
ADDING A NECESSARY PARTY**

Issue Date: April 23, 2021

Effective Date: April 23, 2021

On April 22, 2021, Osage Valley Electric Cooperative Association (Osage Valley) and the City of Harrisonville Missouri filed a joint application with the Missouri Public Service Commission requesting to change the electric supplier of one of Osage Valley’s customers to the City of Harrisonville.

The Commission will direct its Data Center to send notice of the application to Kip Unruh. Because Kip Unruh is a necessary party to this proceeding, he will be joined as a party. The Commission will also direct the Staff of the Commission to file a recommendation.

**THE COMMISSION ORDERS THAT:**

1. Kip Unruh is made a party to this proceeding. The Data Center of the Missouri Public Service Commission shall send this order along with a copy of the application, to Kip Unruh at 2606 Rock Haven Road, Harrisonville, Missouri, 64701.

2. The Staff of the Commission shall file its recommendation regarding the application no later than May 23, 2021.

3. This order is effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

John T. Clark, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 23<sup>rd</sup> day of April, 2021.

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

In the Matter of the Joint Application of Osage )  
Valley Electric Cooperative Association and the )  
City of Harrisonville for Approval of a Change of ) Case No. \_\_\_\_\_  
Electric Supplier for a Certain Customer in )  
Cass County for Reasons in the Public Interest. )

**JOINT APPLICATION FOR CHANGE OF ELECTRIC SUPPLIER**

COME NOW Osage Valley Electric Cooperative Association ("Osage Valley") and the City of Harrisonville ("Harrisonville"), hereinafter referred to collectively as "Applicants," and for their Joint Application, pursuant to § 394.315, RSMo, §91.025, RSMo, 4 CSR 240-2.060 and 4 CSR 240-3.140, respectfully state as follows:

**APPLICANTS**

1. Osage Valley is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 1321 Orange St, Butler, Missouri 64730. Osage Valley 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 was filed with the Commission in Case No. EO-2021-0339 and is incorporated herein by reference.

2. Harrisonville is a Missouri city of the fourth class organized and established under the laws of Missouri, existing pursuant to Section 79.010 RSMo., with its principal office and place of business at 300 East Pearl Street Harrisonville, Missouri 64701. Harrisonville is engaged in the business of providing electrical, water, and sewer services to customers in its municipal

service area. Harrisonville has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or its rates, which have occurred within the three years immediately preceding the filing of this Joint Application. Harrisonville has no overdue annual report or assessment fees.

3. 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  
Attorney for Osage Valley

Alex C. Felzien  
Mauer Law Firm, PC  
1100 Main Street, Suite 2100  
Kansas City, MO 64105  
(816) 759-3300 (telephone)  
(816) 759-3399 (fax)  
afelzien@mauerlawfirm.com  
Attorney for Harrisonville

#### FACTS

4. Osage Valley currently provides electrical service to three structures on three (3) affected properties in Cass County, as shown on Appendix A. A legal description of the affected properties can be found on Appendix C. These properties have been annexed into the City of Harrisonville. The South structure on the property is approximately 17,000 square foot retail/warehouse combination building. The North structure is approximately 11,000 square foot shop building. The East structure is approximately 5,000 square foot metal barn.

5. The owner of these properties, Kip Unruh ("Unruh") has indicated to Applicants that he wishes to switch electrical providers due to his need of 3-phase power on these properties. Osage Valley cannot provide 3-phase electric service to these properties without building a new 3-phase crossing over Interstate 49. Harrisonville is able to provide these properties with 3-phase service by constructing two 25kVA transformers, one 50kVA transformer, and approximately 200 feet of #2 Triplex. A copy of Mr. Unruh's affidavit is attached as Appendix B.

6. Osage Valley and Harrisonville agree that it is in the public interest to allow the Unruh properties to be served by Harrisonville.

7. The parties agree that Harrisonville shall assume service of the Unruh properties without any payment to Osage Valley.

#### **STATUTE**

8. Section 394.315.2, RSMo provides in relevant part that “[t]he public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section.”

#### **PUBLIC INTEREST**

9. The proposed change of supplier is in the public interest because Harrisonville can currently provide the Unruh properties with 3-phase electric service, whereas Osage Valley cannot currently provide 3-phase electric service without building a new 3-phase crossing over Interstate 49. Therefore, the customer’s needs cannot be adequately met by Osage Valley currently.

10. The proposed change of supplier is further in the public interest because the loss of the Unruh properties as a customer will have a negligible impact on Osage Valley.

11. The proposed change of supplier is in the public interest because it would prevent the duplication of 3-phase electric facilities in the area shown in Appendix A.

12. The proposed change of supplier is further in the public interest because it will allow Unruh to receive his supply of electric from Harrisonville, a city in which Unruh is a commercial citizen. The proposed change will enhance Unruh and Harrisonville’s business relationship and allow for great economic development opportunities.

WHEREFORE, Joint Applicants respectfully request that the Commission issue its order:

- (a) Finding that the change of electric supplier proposed herein is in the public interest and approving the proposed change of electric supplier and granting this Joint Application; and
- (b) Granting such other relief as is deemed necessary to accomplish the purposes of this Joint Application.

Respectfully submitted,

/s/ Megan E. Ray

Megan E. Ray, #62037  
Andereck, Evans, Widger, Lewis & Figg, LLC  
3816 S. Greystone Ct., Ste. B  
Springfield, MO 65804  
(417) 864-6401 (telephone)  
(417) 864-4967 (fax)  
Email: [mray@lawofficemo.com](mailto:mray@lawofficemo.com)

ATTORNEY FOR OSAGE VALLEY  
ELECTRIC COOPERATIVE ASSOCIATION

/s/ Alex C. Felzien

Alex C. Felzien, #70054  
Mauer Law Firm, PC  
1100 Main Street, Suite 2100  
Kansas City, Missouri, 64105  
816-759-3300 (telephone)  
816-524-4645 (fax)  
Email: [afelzien@mauerlawfirm.com](mailto:afelzien@mauerlawfirm.com)

ATTORNEY FOR THE CITY OF  
HARRISONVILLE, MISSOURI

**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing Joint Application was served by electronic mail or U.S. Mail, postage prepaid, this 22<sup>nd</sup> day of April, 2021 upon the following:

Office of the Public Counsel  
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

49Workpark, LLC  
Kip Unruh  
2606 Rock Haven Road  
Harrisonville, Missouri 64701  
kip@kipunruh.com

  
\_\_\_\_\_  
Alex C. Felzien

APPENDIX A



**APPENDIX B**

**Appendix B**

**Tenant Consent Affidavit**

STATE OF MISSOURI    )  
                                  ) ss  
COUNTY OF JACKSON  )

BEFORE ME, the undersigned authority, personally appeared Kip Unruh, who, being duly sworn, states on his oath or affirmation as follows:

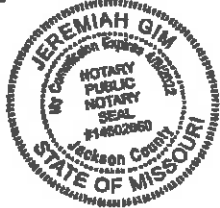
1. My name is Kip Unruh, and I am currently the owner of Main Street Properties.
2. I am duly authorized to make this Affidavit on behalf of Main Street Properties and the execution of this Affidavit is the free act and deed of myself and the free act and deed of Main Street Properties.
3. I am of sound mind and capable of making this Affidavit and am personally acquainted with the facts stated herein and in the Joint Application of Osage Valley Electric Cooperative and the City of Harrisonville, Missouri for Approval of a Change of Electric Supplier for Certain Customer in Cass County for Reasons in the Public Interest (hereinafter "Joint Application").
4. Main Street Properties is the tenant of existing structures located within the City of Harrisonville, Missouri (hereinafter "City") that are currently receiving electric service from Osage Valley Electric Cooperative (hereinafter "Osage Valley") within the cooperate boundaries of the City.
5. Main Street Properties consents, favors, and has no objection to the Joint Application by Osage Valley and the City.
6. Main Street Properties believes that the change of supplier is in the public interest for reasons other than rate differential.

\_\_\_\_\_  
Affiant

Kip Unruh  
Printed Name

Subscribed and sworn to before me this 13<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Notary Public  
SEAL




## APPENDIX C

Commencing at a point on the North right-of-way of Old U.S. Highway 71, 30 feet North of the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 32, Township 45, Range 31, Cass County, Missouri, for the True Point of Beginning; thence North 1295.72 feet; thence East 333.90 feet; thence south 1295.61 feet to the North right-of-way line of Old U.S. Highway 71; thence West along the North right-of-way of Old U.S. Highway 71, 333.90 feet the true point of beginning, except any part thereof in roads.

VERIFICATION

STATE OF MISSOURI )  
 )ss  
COUNTY OF Bates )

Being first duly sworn, Jarrod Campbell, General Manager of Osage Valley, states as follows: that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that the law firm of Andereck, Evans, Lewis Figg & Battagler, LLC is authorized by Osage Valley to make this filing and represent it in this matter.

  
Jarrod Campbell

Subscribed and sworn to before me this 21<sup>st</sup> day of April, 2021.



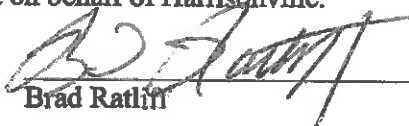
TAMARA WEST  
My Commission Expires  
February 28, 2022  
Bates County  
Commission #44041734

  
Notary Public

VERIFICATION

STATE OF MISSOURI     )  
  )ss  
COUNTY OF Cass     )

I, Brad Ratliff state that I am employed by the City of Harrisonville (Harrisonville) as City Administrator; that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of Harrisonville.

  
\_\_\_\_\_  
Brad Ratliff

Subscribed and sworn to before me this 21<sup>st</sup> day of April, 2021.

  
\_\_\_\_\_  
Notary Public

CAROLINE E. VAUGHN  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cass County  
My Commission Expires: March 14, 2023  
Commission Number: 19500796

**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 23<sup>rd</sup> day of April, 2021.**



  
\_\_\_\_\_  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 23, 2021**

**File/Case No. EO-2021-0371**

**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  
opcservice@opc.mo.gov

**City of Harrisonville, Missouri**  
Alex Felzien  
1100 Main Street, Suite 2100  
Kansas City, MO 64105  
afelzien@mauerlawfirm.com

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

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

**Work Park, LLC**  
Kip Unruh  
2606 Rock Haven Road  
Harrisonville, MO 64701  
kip@kipunruh.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.