

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 Platte Clay)
Electric Cooperative, Inc. for an Order Approving the)
Territorial Agreement between Ameren Missouri and)
Platte Clay Electric Cooperative, Inc. in Ray, Clinton)
Caldwell and Clay Counties, Missouri)

File No. EO-2017-0044

REPORT AND ORDER

Issue Date: November 17, 2016

Effective Date: November 27, 2016

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Territorial Agreement between Ameren Missouri and) **File No. EO-2017-0044**
Platte Clay Electric Cooperative, Inc. in Ray, Clinton)
Caldwell and Clay Counties, Missouri)

REPORT AND ORDER APPROVING TERRITORIAL AGREEMENT

Issue Date: November 17, 2016

Effective Date: November 27, 2016

This decision approves a Territorial Agreement between Union Electric Company d/b/a Ameren Missouri (Ameren) and Platte-Clay Electric Cooperative, Inc. (the Cooperative), which will designate exclusive service territories in Ray, Clinton, Caldwell, and Clay Counties, Missouri.

Findings of Fact

On August 16, 2016, Ameren and the Cooperative filed a Joint Application requesting approval of their Territorial Agreement setting out exclusive service territories in Ray, Clinton, Caldwell, and Clay Counties, Missouri. The Staff of the Missouri Public Service Commission filed its recommendation on November 14, 2016, advising the Commission that the proposed territorial agreement is not detrimental to the public interest and recommending that it be approved.

Ameren is a Missouri corporation organized and existing under the laws of the State of Missouri, with its principal place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. Ameren is engaged in providing

electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Missouri Public Service Commission.

The Cooperative is a corporation organized and existing under the laws of the State of Missouri and has its principal office at 1000 W. 92 Highway, Kearney, Missouri 64060. The Cooperative is organized under Chapter 394 RSMo, as a rural electric cooperative corporation engaged in the distribution of electric energy and service to its members in Missouri.

The proposed territorial agreement, attached as Schedule 1 to the Joint Application, shows and describes to the extent practical the boundaries designated for the Cooperative's and Ameren's respective exclusive service areas within the above-mentioned counties. No other regulated electric supplier provides electric service in the specific areas sought to be designated by the applicants.

Because Ameren and the Cooperative have been operating in the same service territories without a territorial agreement, the service territories have begun to overlap. Thus, the proposed territorial agreement establishes that Ameren and the Cooperative will each retain their existing facilities and customers currently served, even though those facilities and/or customers or members may lie within the exclusive electric service territory of the other electric service supplier. The applicants have attempted to specifically identify these exceptions to their boundaries.¹ Therefore, no request to change the electric service supplier of any customer or member was made in the application and the proposed territorial agreement does not require the transfer of any facilities or customers or members between Ameren and the Cooperative.

¹ *Joint Application*, Schedule 1, Exhibits A, B, and C (filed on August 16, 2016), File No. EO-2017-0044.

According to the facts as evidenced in the application and in Staff's recommendation, the proposed territorial agreement is in the public interest because it will prevent future duplication of electric service facilities, will result in economic efficiencies and cost savings, will benefit the public safety and community aesthetics, and will provide certainty for future customers or members regarding which corporation provides electric service in a particular location. The Territorial Agreement is also in the public interest because it will lessen the chances of future disputes.

Based on the information contained in the verified joint application and recommendation of Staff, the Commission finds that the proposed territorial agreement is not detrimental to the public interest.

Conclusions of Law

Section 394.312, RSMo (Supp. 2010), gives the Commission jurisdiction over electric service territorial agreements between electric corporations and rural electric cooperatives. Under Section 394.312.5, RSMo (Supp. 2010), the Commission may approve such a territorial agreement if in total, the agreement is not detrimental to the public interest. As the Commission found in its findings of fact, the territorial agreement will not be detrimental to the public interest.

Section 394.312.5, RSMo (Supp. 2010), provides that the Commission is to hold an evidentiary hearing to determine whether a territorial agreement is to be approved, except where all parties agree to waive hearing. The requirement for a hearing is met when the opportunity for hearing is provided and no proper party requests the

opportunity to present evidence.² Notice was given and no party requested a hearing. Therefore, no hearing is necessary.

Decision

Based on its findings of fact and conclusions of law, the Commission determines that the submitted territorial agreement between Ameren and the Cooperative is not detrimental to the public interest and shall be approved.

THE COMMISSION ORDERS THAT:

1. The Territorial Agreement between Union Electric Company d/b/a Ameren Missouri and Platte-Clay Electric Cooperative, Inc., is approved.
2. This order shall become effective on November 27, 2016.
3. This case shall be closed on November 28, 2016.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur
and certify compliance with the
provisions of Section 536.080, RSMo.

Dippell, Regulatory Law Judge

Dated at Jefferson City, Missouri,
on this 17th day of November, 2016.

² *Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 SW2d 494 (Mo. App. W.D. 1989).

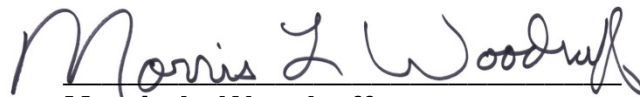
STATE OF MISSOURI

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 17th day of November 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 17, 2016

File/Case No. EO-2017-0044

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Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.