

ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.

ATTORNEYS AT LAW

700 EAST CAPITOL AVENUE

COL. DARWIN MARMADUKE HOUSE

P.O. BOX 1438

JEFFERSON CITY, MISSOURI 65102-1438

TELEPHONE 573-634-3422

FAX 573-634-7822

EUGENE E. ANDERECK

TERRY M. EVANS

ERWIN L. MILNE

JACK PEACE

CRAIG S. JOHNSON

RODRIC A. WIDGER

GEORGE M. JOHNSON

BEVERLY J. FIGG

WILLIAM S. LEWIS

VICTOR S. SCOTT

COREY K. HERRON

MATTHEW M. KROHN

LANETTE R. GOOCH

SHAWN BATTAGLER

ROB TROWBRIDGE

JOSEPH M. PAGE

LISA C. CHASE

JUDITH E. KOEHLER

ANDREW J. SPORLEDER

July 30, 2003

FILED³

JUL 30 2003

OF COUNSEL

MARVIN J. SHARP

PATRICK A. BAUMHOER

GREGORY C. STOCKARD (1994-1993)

PHIL HAUCK (1924-1991)

Secretary of PSC
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

**Missouri Public
Service Commission**

**Re: Case No. EM-92-157 -- In the matter of the Joint Application of City of
Thayer, Missouri and Howell-Oregon Electric Cooperative, Inc. for an order
approving proposed Territorial Agreement**

Dear Secretary:

Enclosed please find an original and eight copies of the Notice of Addendum to
Approved Territorial Agreement in the above cited case.

Thank you for seeing this filed. If you should have any questions or concerns, please do
not hesitate to contact me.

Sincerely,

Lisa Chase
Lisa Cole Chase

LCC:sw

Enc.

Cc: Michael Dandino
Dan Joyce
Harvey Allen

Trenton Office
9th And Washington
Trenton, Missouri 64683
660-359-2244
Fax 660-359-2116

Springfield Office
1111 S. Glenstone
P.O. Box 4929
Springfield, Missouri 65808
417-864-6401
Fax 417-864-4967

Princeton Office
207 North Washington
Princeton, Missouri 64673
660-748-2244
Fax 660-748-4405

Smithville Office
119 E. Main Street
P.O. Box. 654
Smithville, Missouri 64089
816-532-3895
Fax 816-532-3899

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
JUL 30 2003

Missouri Public
Service Commission

In the matter of the Joint Application)
of City of Thayer, Missouri and Howell-Oregon)
Electric Cooperative, Inc. for an order approving) Case No. EM-92-157
proposed Territorial Agreement.)

NOTICE OF ADDENDUM TO APPROVED TERRITORIAL AGREEMENT

COMES NOW Howell-Oregon Electric Cooperative, Inc. and pursuant to its Territorial Agreement approved by the Commission on February 28, 1992 in Case No. EM-92-157, 1 Mo.P.S.C.3d 278, hereby provides Notice of Addendum to its Approved Territorial Agreement and states as follows:

1. On April 21, 2003, the City of Thayer, Missouri and Howell-Oregon Electric Cooperative entered into Addendum No. 1 to their Territorial Agreement. A copy of the Addendum is attached hereto as **Attachment 1**.
2. Addendum No. 1 sets forth the written agreement reached between the City and Cooperative to allow any structure to be built on the 35-acre parcel of the Thayer R-II School District to receive service from the Cooperative even though the structure is located in the territory of the City. The Applicants do not change the terms of their existing Territorial Agreement, nor the boundaries for the exclusive electric service territories of each electric service supplier as set forth in their existing, approved Territorial Agreement.
3. The Territorial Agreement to which the Addendum No. 1 is to be attached was approved by the Commission on February 28, 1992 in Case No. EM-92-157, 1 Mo.P.S.C.3d 278.
4. Pursuant to the Territorial Agreement, at paragraph 8:

“Neither the boundaries described by this Agreement nor any term of this Agreement may be modified, repealed, or changed except by writing mutually approved by the respective governing bodies of the parties and by the Missouri Public Service Commission, *except the City and Cooperative may agree in writing on a case-by-case basis to allow any structure to receive service from one party even though the structure is located in the territory of the other party. Each such instance will be treated as an addendum to this Agreement and a copy of the addendum supplied to the Public Service Commission.*” (emphasis added). A copy of the Territorial Agreement is attached hereto as **Attachment 2**.

5. Pursuant to the terms of the Territorial Agreement, and the Commission’s Order approving the agreement, Notice of Addendum No. 1 is hereby given.

6. Howell-Oregon Electric Cooperative would further note that notice of the Addendum No. 1 was also provided to the Commission in Case No. EO-2003-0518 on May 23, 2003. In that proceeding, Howell-Oregon Electric Cooperative and the City of Thayer, Missouri have filed a Joint Application seeking approval of a customer exchange.

WHEREFORE, Howell-Oregon Electric Cooperative hereby provides notice of Addendum No. 1 to its approved Territorial Agreement with the City of Thayer, Missouri, and the Commission’s *Report and Order* approving said Territorial Agreement dated February 28, 1992 in Case No. EM-92-157, 1 Mo.P.S.C.3d 278, and requests the Commission to file Attachment 1, the Addendum No. 1, in Case No. EM-92-157.

Respectfully submitted,

**ANDERECK, EVANS, MILNE, PEACE
& JOHNSON L.L.C.**

By Lisa Chase
Victor S. Scott, Mo.Bar # 42963
Lisa Cole Chase, Mo Bar # 51502
700 East Capital
P.O. Box 1438
Jefferson City, MO 65102
(573) 634-3422
(573) 634-7822 (fax)
vscott@aempb.com
lisachase@aempb.com

**ATTORNEYS FOR HOWELL-OREGON
ELECTRIC COOPERATIVE, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served on all Parties of Record, via first-class U.S. Mail, postage prepaid, on this ~~29th~~^{30th} day of July, 2003.

General Counsel
Office of the Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102

General Counsel
Missouri Public Service Comm'n
Governor Office Building
200 Madison Street – Suite 100
Jefferson City, Missouri 65101

Harvey Allen, Esq.
221 Chestnut Street
Thayer, Missouri 65791

Lisa Chase
Lisa Cole Chase