

**ADDENDUM NUMBER 1 TO FIRST TERRITORIAL AGREEMENT**

**THIS ADDENDUM NUMBER 1** is made and entered into as of this 16th day of December, 2024, by and between SOUTHWEST ELECTRIC COOPERATIVE (hereinafter "Southwest") and THE EMPIRE DISTRICT ELECTRIC COMPANY d/b/a LIBERTY (hereinafter "Liberty") (collectively, the "Parties").

**WITNESSETH:**

WHEREAS, the Parties entered into the First Territorial Agreement on May 25, 2002, which was approved by the Missouri Public Service Commission in Case No. EO-2002-1119 via Report and Order effective September 6, 2002;

WHEREAS, Paragraph 6(C) of the First Territorial Agreement allows the Joint Applicants to agree, on a case-by-case basis and through an addendum to the First Territorial Agreement, to allow a structure to receive service one party even though the structure is located in the electric service territory of the other.

WHEREAS, Liberty and Southwest desire to avoid unnecessary and wasteful duplication of electrical facilities in the City of Bolivar, Polk County, Missouri, and to most effectively avail themselves of prior investment and planning for serving the public;

WHEREAS, this Addendum No. 1 to the First Territorial Agreement does not require any customer of either Southwest or Liberty to change its supplier; and

WHEREAS, Liberty and Southwest are authorized by law to provide electric service within certain areas of Missouri, including portions of Polk County,

NOW, THEREFORE, Liberty and Southwest, in consideration of the mutual covenants and agreements herein contained, the adequacy and sufficiency of which are hereby acknowledged, agree as follows:

1. Both Parties desire and consent to Southwest providing electric service to the Welcome Sign Structures in Bolivar, Missouri described in paragraph 2 below through the case-by-case addendum procedure contained in paragraph 6(C) of the Parties' First Territorial Agreement. Notwithstanding the boundaries described in the First Territorial Agreement, Southwest shall have the right to serve the structures.

2. Description of Territory Affected. This Addendum pertains only to two parcels of land in the City of Bolivar, Polk County, Missouri.

a. A description of Parcel 1 is as follows: Northbound exit ramp at Hwy 13 and Hwy 83 between Hwy 13 and the deceleration lane.

b. A description of Parcel 2 is as follows: Southbound exit ramp at Hwy 13 and Hwy 32 between Hwy 13 and the deceleration lane.

c. A map of Parcel 1 is attach hereto and marked as **Exhibit 1**.

d. A map of Parcel 2 is attach hereto and marked as **Exhibit 2**.

3. This Addendum shall have no effect whatsoever upon service by Southwest or Liberty in any other area. The exclusive territories of the Parties, as described in the First Territorial Agreement, are not otherwise modified by this Addendum. In executing this Addendum, its terms shall be interpreted in light of the First Territorial Agreement, including, but not limited to, the definitions, principles, and procedures set forth therein.

4. The described Parcels are located within the corporate limits of the City of Bolivar, Missouri, and thus are not in a "rural area" as defined by Section 394.020(3) RSMo.

5. This Addendum does not purport to affect the rights of any electric supplier not a party to this Agreement.

6. Since this Addendum is subject to the approval of the Commission, the Parties agree to undertake all actions reasonably necessary to obtain said approval.

7. In addition, Southwest has the right to initiate temporary service, as defined by RSMo. Section 394.315, at its own expense, until the Commission approves or disapproves the Addendum.

8. If the Commission rejects this or any portion of this Addendum, then the entire Addendum shall be nullified and shall have no legal effect. Further, if all or part of this Addendum is declared invalid or void by a Court or other agency with competent jurisdiction, then this Addendum shall be deemed invalid and void.

9. This Addendum may be executed in several counterparts, and each of which so executed shall be deemed to be an original and such counterparts together shall be but one and the same instrument.

IN WITNES WHEREOF, the parties have executed this Addendum as of this 16 day of December, 2024.

THE EMPIRE DISTRICT ELECTRIC  
COMPANY d/b/a Liberty

SOUTHWEST ELECTRIC COOPERATIVE

By: 

Title: President

Attest: 

By: 

Title: CEO/G-M

Attest: 