

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

In the Matter of the Joint Motion of Osage )  
Valley Electric Cooperative, Inc. and Evergy )  
Missouri West, Inc. d/b/a Evergy Missouri West ) **File No. EO-2021-0339**  
for Approval of a Third Addendum to the )  
Parties' Territorial Agreement Designating the )  
Boundaries of Each Electric Service Supplier )  
Within Portions of Cass County )

**ORDER DIRECTING NOTICE, SETTING INTERVENTION DEADLINE,  
AND DIRECTING STAFF RECOMMENDATION**

Issue Date: April 12, 2021

Effective Date: April 12, 2021

On April 9, 2021, Osage Valley Electric Cooperative (Osage Valley) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy Missouri West), hereinafter collectively referred to as “Movants,” filed a Joint Motion for Approval of Third Addendum (Joint Motion). The territory concerned is in Cass County, Missouri. The law requires the Commission to rule on an application no later than 120 days from the application’s filing date,<sup>1</sup> and provides the right to a hearing.<sup>2</sup> The right to a hearing on a territorial agreement signifies a contested case.<sup>3</sup> A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities<sup>4</sup> and a decision without a hearing,<sup>5</sup> including by stipulation and agreement.<sup>6</sup> This notice does not require any party to file an answer.<sup>7</sup> The Commission’s rules of discovery are set forth at 20 CSR 4240.2.090.

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<sup>1</sup> Section 394.312.4, RSMO 2016.

<sup>2</sup> Section 394.312.5, RSMO 2016.

<sup>3</sup> Section 536.010(4), RSMO 2016.

<sup>4</sup> Sections 536.060(3) and 536.063(3), RSMO 2016.

<sup>5</sup> Sections 536.060, RSMO 2016.

<sup>6</sup> Section 394.312.5, RSMO 2016; 4 CSR 240-2.115.

<sup>7</sup> Section 536.067(2)(d), RSMO 2016.

The Commission will order notice delivered to other electric service providers, to elected officials and to news media in Cass County, Missouri. The Commission will also set a deadline for intervention and direct the filing of a staff recommendation.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send a copy of this order and the Joint Motion to the other electric service providers in Cass County, and to the County Commission of Cass County, Missouri.
2. The Commission's Public Information Office shall make notice of this order available to the members of the General Assembly representing Cass County, Missouri, and to the news media serving that county.
3. Applications to intervene shall be filed no later than May 4, 2021.
4. The Commission's Staff shall file a recommendation regarding the Joint Motion no later than May 12, 2021.
5. This Order shall be 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

Paul T. Graham, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 12<sup>th</sup> day of April, 2021.

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

In the Matter of the Joint Motion of )  
Osage Valley Electric Cooperative, Inc. and )  
Evergy Missouri West, Inc. d/b/a Evergy ) Case No. \_\_\_\_\_-2021-\_\_\_\_\_  
Missouri West For Approval of a Third )  
Addendum to the Parties' Territorial )  
Agreement designating the Boundaries of )  
each electric service Supplier within )  
portions of Cass County )

**JOINT MOTION FOR APPROVAL OF THIRD ADDENDUM**

COME NOW, Osage Valley Electric Cooperative (“Osage Valley”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”), hereinafter referred to collectively as “Movants,” by and through their respective counsel, and for their Joint Motion to the Missouri Public Service Commission (“Commission”), pursuant to the terms of the Territorial Agreement, for an order approving Movants’ Third Addendum to Territorial Agreement (Addendum), respectfully state as follows:

1. **The Movants.** Osage Valley is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 1321 Orange St, Butler, MO 64730. 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. 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 of State for Osage Valley is attached hereto and marked **Appendix A**.

2. Evergy Missouri West is a Delaware corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64105. Evergy Missouri West is primarily engaged in the business of providing electric and steam utility service in Missouri to the public in its certificated areas. Evergy Missouri West is an electrical corporation and public utility as defined in Section 386.020 (2000), as amended. *Id.* A Certificate of Authority for a foreign corporation to do business in the State of Missouri, evidencing the Evergy Missouri West's authority under the law to conduct business in the State of Missouri, was filed with the Commission in Case No. EN-2020-0064 and is incorporated herein by reference in accordance with 20 CSR 4240-2.060(1)(G). Evergy Missouri West's fictitious name registration was filed in Case No. EN-2020-0064 and is incorporated herein by reference.

3. **Correspondence and Communication.** 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](mailto:mray@lawofficemo.com)

Roger Steiner  
Evergy, Inc.  
1200 Main Street  
Kansas City, Missouri 64105  
816-556-2314 (telephone)  
e-mail: [roger.steiner@evergy.com](mailto:roger.steiner@evergy.com)

4. **The Territorial Agreement.** Subject to the terms and conditions of the Territorial Agreement between Osage Valley Electric Cooperative and Evergy (the Agreement), Movants have specifically designated the boundaries of exclusive electric service areas within Cass County, Missouri, which Agreement was executed by the parties hereto on June 1, 2004 and was approved by the Commission in Case No. EO-2004-0603 on September 30, 2004 and effective on October 7, 2004. Movants have attached a copy of the Territorial Agreement, in its

form as approved by the Commission, to this Motion as **Appendix B**, which is incorporated by reference and made a part hereof for all purposes.

5. **Addendum.** Article 7 of the Territorial Agreement (p. 7) addresses addendums to vary the boundaries of the Territorial Agreement on a case-by-case basis. This Motion is filed in accordance with that provision.

Attached to this Motion is a copy of the Third Addendum to the Territorial Agreement. The Addendum is marked **Appendix C** and is incorporated by reference and made a part hereof for all purposes. A map showing the tract subject to the Addendum was made a part of the Addendum.

6. **Customer Statement.** The parties have further attached as **Appendix D** the Affidavit of the owner of record of the Parcel, Steve Cowger, a Member of CC Land & Cattle, LLC, giving his consent to the Addendum.

7. **No Changes of Suppliers.** The Addendum does not require transfer of any facilities or customers between the Movants, so no list of structures and persons whose utility service would be changed by the Addendum, as required by 4 CSR 240-3.130(1)(E), is included.

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

9. **Public Interest.** The Addendum is in the public interest because it establishes exclusive service territories for new structures for the two electric suppliers. This Addendum also minimizes a duplication of utility facilities to this particular parcel. The establishment of exclusive service territories will prevent future duplication of electric service facilities, promote economic efficiencies and benefit the public safety and aesthetics of the community. Osage

Valley currently has electric facilities located on the Parcel from which Osage Valley can serve the Parcel.

10. **Service Responsibilities.** Each Movant will continue to have service responsibilities beyond the terms of the Third Addendum unaffected thereby.

11. **Filing Fee.** Pursuant to 4 CSR 240-3.130(4), no filing fee is required.

WHEREFORE, Applicants respectfully request that the Public Service Commission of Missouri issue its order:

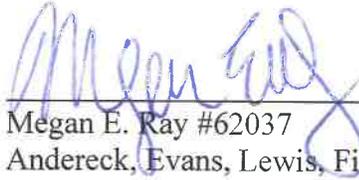
- (a) Finding that the exclusive provision of electric service by Osage Valley to the Parcel is not detrimental to the public interest and approving the Movants' Third Addendum to Territorial Agreement; and
- (b) Authorizing Movants to perform in accordance with the terms and conditions of the Third Addendum.

Respectfully submitted,

ATTORNEY FOR EVERYG:

/s/ Roger W. Steiner  
Robert J. Hack MBN#36496  
Roger W. Steiner MBN#39586  
Evergy, Inc.  
1200 Main Street, 16<sup>th</sup> Floor  
Kansas City, Missouri 64105  
Telephone: (816) 556-2791  
Telephone: (816) 556-2314  
Facsimile: (816) 556-2780  
E-mail: [Rob.Hack@evergy.com](mailto:Rob.Hack@evergy.com)  
E-mail: [Roger.Steiner@evergy.com](mailto:Roger.Steiner@evergy.com)

ATTORNEY FOR OSAGE VALLEY  
ELECTRIC COOPERATIVE:



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Megan E. Ray #62037

Andreck, Evans, Lewis, Figg & Battagler, L.L.C.

3816 S. Greystone Court, Suite B

Springfield, MO 65804

Telephone: 417-864-6401

Facsimile: 417-864-4967

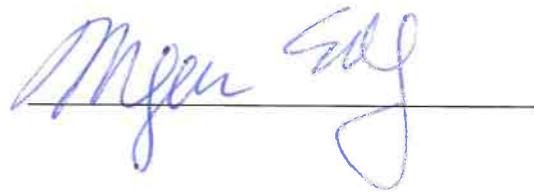
Email: [mray@lawofficemo.com](mailto:mray@lawofficemo.com)

## CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on April 9, 2021, to the following:

Office of the Public Counsel  
Marc Poston  
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

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "Marc Poston".

VERIFICATION

STATE OF MISSOURI     )  
  ) ss  
COUNTY OF Bates     )

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

  
\_\_\_\_\_  
Jarrod Campbell

Subscribed and sworn to before me this 8<sup>th</sup> day of April, 2021.

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

KYL A. YOHE  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Bates County  
My Commission Expires: June 11, 2023  
Commission Number: 15412946

**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 12<sup>th</sup> day of April, 2021.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 12, 2021**

**File/Case No. EO-2021-0339**

**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**  
Legal Department  
P.O. Box 367  
Harrisonville, MO 64701

**County of Cass, Missouri**  
County Commission Clerk  
102 E. Wall St.  
Cass County Courthouse  
Harrisonville, MO 64701  
jfletcher@casscounty.com

**Evergy Missouri Metro**  
Legal Department  
One Kansas City Place, 1200  
Main Street  
P.O. Box 418679  
Kansas City, MO 64105

**Evergy Missouri West**  
Robert Hack  
1200 Main, 19th Floor  
P.O. Box 418679  
Kansas City, MO 64141-9679  
rob.hack@evergy.com

**Evergy Missouri West**  
Roger W Steiner  
1200 Main Street, 16th Floor  
P.O. Box 418679  
Kansas City, MO 64105-9679  
roger.steiner@evergy.com

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