

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

In the Matter of Proposed Rulemaking       )  
Concerning Applications for Certificates     )  
of Convenience and Necessity.                      Case No. EX-2003-

**MOTION FOR FINDING OF NECESSITY FOR RULEMAKING**

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), by and through its Office of General Counsel, pursuant to section 536.016 RSMo 2000, and for its Motion For Finding Of Necessity For Rulemaking, respectfully states as follows:

1.       Section 536.016 RSMo 2000 provides that a state agency shall propose rules based upon "a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority.

2.       Section 393.170 RSMo 2000, among other things, empowers the Commission to grant certificates of convenience and necessity ("CCNs") upon application by gas, electrical, water, and sewer corporations. For CCN applications involving electrical corporations, Commission Rule 4 CSR 240-3.105, which will go into effect on April 30, 2003, details the associated filing requirements formerly included in 4 CSR 240-2.060. Filing requirements currently set forth in the rule are insufficient.

3       Attached as Appendix A is the Staff's notarized affidavit concerning the necessity for this rulemaking.

WHEREFORE, the Staff respectfully requests that the Commission find that the proposed rulemaking is necessary.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Dennis L. Frey

Dennis L. Frey  
Senior Counsel  
Missouri Bar No. 44697

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 31<sup>st</sup> day of March 2003.

/s/ Dennis L. Frey

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**AFFIDAVIT**

The filing requirements for applications for certificates of convenience and necessity by electric utilities were recently moved from 4 CSR 240-2 Practice and Procedures (Chapter 2) to 4 CSR 240-3 Filing and Reporting Requirements (Chapter 3), which will become effective on April 30, 2003.

2. Currently the Staff (Staff) of the Missouri Public Service Commission (Commission) routinely requests particular additional information after an application for a certificate of convenience and necessity is filed by an electric utility.

3. The time required for the Staff to request the additional information and for the electric utility to respond to the Staff's requests increases the amount of time required for the Staff to determine and submit its recommendation to the Commission, thus delaying the Commission's determination regarding the application.

4. Filing of the routinely required additional information at the time of the filing of the electric utility's application at the Commission would provide the information to the Staff and the Commission earlier in the process, would increase the efficiency of the Staff and would reduce the time necessary for the Staff to process its recommendation in the case.

I certify that I have read the foregoing statement and that the facts therein are complete, true and accurate to the best of my knowledge and belief.

Lana M Mantle  
Affiant

Subscribed and sworn to before me, the undersigned notary public on

March 26, 2003

Sharon S. Wiles

