

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

In the Matter of a Working Case to Draft a Rule to)
Revise Commission Rule 4 CSR 240-3.105) **File No. EW-2014-0239**

**STAFF MOTION FOR COMMISSION ISSUANCE OF NOTICE OF OPPORTUNITY TO
COMMENT BEFORE, ON, OR AT SECOND WORKSHOP ON NOVEMBER 25, 2014,
AND FILING OF STAFF SECOND DRAFT REVISION OF 4 CSR 240-3.105**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through undersigned counsel of the Staff Counsel’s Office, and files a Staff Motion For Issuance Of Commission Notice Of Opportunity To Comment Before, On, Or At Second Workshop On November 25, 2014 and Filing Of Staff Second Draft Revision Of Commission Rule 4 CSR 240-3.105 Filing Requirements For Electric Utility Company Applications For Certificates Of Convenience And Necessity for use at the workshop scheduled for November 25, 2014, starting at 9:30 a.m., in Conference Room 315 of the Governor Office Building, in Jefferson City.

1. On November 5, 2014, the Staff e-mailed the attached Staff second draft revision of Commission Rule 4 CSR 240-3.105 (*Attachment A*) to the extensive e-mail list (*Attachment B*¹) that it has been using for the purposes of these workshops. The attached Staff second draft revision of Commission Rule 4 CSR 240-3.105 is redlined using the existing version of the Commission’s Rule as the base. It is not redlined using the Staff’s first draft revision of the Commission’s Rule as the base, i.e., the Staff draft revision used for the workshop in September of this year is not the base for comparison.

¹ Now supplemented by the intervenors to Union Electric Company’s, d/b/a Ameren Missouri’s recently filed Electric Utility Resource Planning case, File No. EO-2015-0084.

2. Interested entities and persons have the opportunity to comment: (a) in general, regarding the possible revision of Commission Rule 4 CSR 240-3.105, and (b) specifically, respecting any proposed revision of Commission Rule 4 CSR 240-3.105 filed in File No. EW-2014-0239, including the current Staff “redlined”/“Track Changes” filing (*Attachment A*) and any filing that may be made up to or at the workshop scheduled for November 25, 2014. As a consequence, the Staff requests that the Commission issue a Notice of Opportunity To Comment.

3. Interested entities and persons may comment by making their own filing in File No. EW-2014-0239, appearing on November 25, 2014, at the workshop commencing at 9:30 a.m. in Conference Room 315 of the Governor Office Building, in Jefferson City, or phoning into the workshop scheduled for November 25, 2014, by dialing Access Number: 877-820-7831 and then PIN: 93348999#. As previously noted regarding appearing by speaker phone/conference call, Conference Room 315 is acoustically challenged for even very good speaker phones.

WHEREFORE, the Staff requests that the Commission issue a Notice of Opportunity To Comment and the Staff files its second draft revision of Commission Rule 4 CSR 240-3.105 Filing Requirements For Electric Utility Company Applications For Certificates Of Convenience And Necessity for use at the workshop scheduled for November 25, 2014, starting at 9:30 a.m., in Conference Room 315 of the Governor Office Building, in Jefferson City, which also will be accessible by speaker phone/conference call by dialing Access Number: 877-820-7831 and then PIN: 93348999#.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Staff Second Draft Revision Of 4 CSR 240-3.105 For Workshop On November 25, 2014* have been transmitted electronically to all Commission-certificated electric utilities in the State of Missouri, and to all parties in the most recent triennial 4 CSR 240-Chapter 22 filing for each electric utility this **18th day of November, 2014**. For Union Electric Company, d/b/a Ameren Missouri those cases are File Nos. EO-2011-0271/EO-2015-0084, for The Empire District Electric Company that case is File No. EO-2013-0547, for Kansas City Power & Light Company that case is File No. EO-2012-0323, and for KCP&L Greater Missouri Operations Company that case is File No. EO-2012-0324. *See Attachment B.*

/s/ Steven Dottheim

DRAFT 11/05/14 FOR DISCUSSION PURPOSES ONLY

PURPOSE: This amendment revises the filing requirements for applications, pursuant to Section 393.170 RSMo, requesting that the commission grant a certificate of convenience and necessity to an electric utility for either a service area or to construct electric plant or gas plant in Missouri to facilitate the operation of electric production facilities.

4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity

PURPOSE: Applications to the commission, pursuant to Section 393.170 RSMo, requesting that the commission grant a certificate of convenience and necessity to an electric utility for a service area or to construct electric plant or gas plant in Missouri to facilitate the operation of electric production facilities must meet the requirements of this rule. As noted in the rule, additional general requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1). This rule is not intended to replace or duplicate the electric utility resource planning requirements or procedures of 4 CSR 240-22.010 – .080.

(1) In addition to the general requirements of 4 CSR 240-2.060(1), applications by an electric utility for a certificate of convenience and necessity, pursuant to Section 393.170 RSMo, shall include:

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(A) If the application is for authorization to provide electric service to retail customers in a service area—

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1. A list of those entities providing statement as to the same or similar utility service, regulated and or nonregulated, retail electric service in all or any part available in the area requested, including a map that identifies where each entity is providing retail electric service within the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat of the requested service area drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; ~~and~~

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations; and

(6) The facts showing that the granting of the application for a certificate of convenience and necessity is required by the public convenience and necessity.

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(B) If the application is for a certificate of convenience and necessity for the construction of electric plant, such as electrical transmission lines, gas transmission lines to facilitate the operation of electric production facilities, or electrical production facilities—

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1. A description of the proposed route or site of construction and a list of all electric, gas and telephone utility lines of regulated and nonregulated utilities, railroad tracks ~~or any and each~~ underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross or come near;

2. ~~The~~ A full description of the plans and specifications for the complete scope of the construction project, when fully operational and used for service, for which a certificate of convenience and necessity is being sought, and estimated cost of the construction project, when fully operational and used for service, or a statement of the reasons the information is currently unavailable and a date when it will be ~~furnished~~ filed. The application should clearly identify whether the construction project of electric facilities for which the certificate of convenience and necessity is being sought will include common plant, and if it does, then the number, type, size, and extent of generating units, electric transmission lines, other electric utility facilities, or gas plant to facilitate the operation of the electric production facilities, and the date when such planned future facilities are anticipated to be declared fully operational and used for service. If the construction project will not include any common plant, but the construction of additional generating units, electric transmission lines, other electric utility facilities, or gas plant to facilitate the operation of the electric production facilities is planned for the site in the future, the application should clearly identify information about the number, size, type, and extent of the planned future facilities, and the date when such planned future facilities are anticipated to be declared fully operational and used for service; ~~and~~

3. Plans for financing the construction of the electric production facilities, electric transmission lines, other electric utility facilities, or gas plant to facilitate the operation of the electric production facilities;

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4. An overview of plans for operating and maintaining the facilities; and

5. An overview of plans for maintenance and restoration of safe and adequate service after significant, unplanned/forced outages.

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or a verified statement of the president and secretary of the corporation, showing that the applicant has received the required consent of the proper municipal authorities~~an affidavit of the applicant that consent has been acquired~~; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application for a certificate of convenience and necessity is required by the public convenience and necessity.

(F) If the certificate of convenience and necessity sought by the applicant is intended to include multiple generating units, transmission lines, and/or other facilities, which are to become fully operational and used for service over a period of years, a timeline for the entire time frame of the certificate of convenience and necessity shall be supplied by the applicant. The projected commencement of construction date and projected fully operational and used for service date of each discrete operating facility intended to be covered by the particular certificate of convenience and necessity in question shall be specified.

(2) "Construction" pursuant to Section 393.170 RSMo, includes construction of electric production facilities, electric transmission lines, other electric utility facilities, or gas transmission lines to facilitate the operation of the electric production facilities, and construction not addressed in a prior certificate of convenience and necessity, such as:

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(A) substantial rebuild, renovation, improvement, and/or retrofit that will result in a (i) material increase in the capacity of the facilities beyond the original capacity of the plant at the time determined by the commission to be fully operational and used for service, or (ii) material change in the discharges or emissions from the plant, or in the aesthetic appearance of the facilities to landowners and/or the public; and/or

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(B) construction that will change (i) the fuel source of the production facilities, or (ii) some other fundamental characteristic of the plant or the site in a material manner.

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Also, if the electric utility proposes to acquire full or partial ownership of electric production facilities, electric transmission lines, other electric utility facilities, or gas transmission lines to facilitate the operation of the electric production facilities by means other than building the facilities, such as by purchase or capital lease, the proposed acquisition shall constitute "construction" for the purposes of this rule and require the issuance of a certificate of convenience and necessity by the commission.

Construction does not include periodic, routine or preventative maintenance, or replacement of failed or near term projected failure of equipment or devices with the same or substantially similar items that are intended to restore the facilities to an operational state at the most recently or approximate rated capacity.

(23) If any of the items required under this rule for the issuance of a certificate of convenience and necessity are unavailable at the time the application is filed, they shall be furnished prior to the granting by the commission of the authority sought. If any of the items required under this rule are not available until the evidentiary hearings are completed, parties may request and the commission may require further evidentiary hearings, based upon the relationship of the late-filed materials to the issues to be addressed by the commission.

(4) The commission may by its order impose upon the issuance of a certificate of convenience and necessity such condition or conditions as it may deem reasonable and necessary.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. *Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996.*

SERVICE LIST FOR FILE NO. EW-2014-0239

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