

**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 DRAFT REVISION OF 4 CSR 240-3.105
FOR WORKSHOP ON SEPTEMBER 11, 2014**

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 draft Staff revision of Commission Rule 4 CSR 240-3.105 Filing Requirements For Electric Utility Company Applications For Certificates Of Convenience And Necessity (*Attachment A*) for use at the workshop scheduled for September 11, 2014, starting at 9:30 a.m., in Conference Room 315 of the Governor Office Building, in Jefferson City. On February 14, 2014, in File No. EX-2014-0205 In the Matter of Dogwood Energy, LLC’s Petition for Revision of Commission Rule 4 CSR 240-3.105, Staff filed *Staff Response To Commission Order Directing Staff To Investigate And File Recommendation*. The Staff adopts said February 14, 2014 Staff Response in File No. EX-2014-0205 for purposes of the instant workshop file.

1. On August 14, 2014, the Staff filed a *Staff Motion For Commission Notice Of Opportunity To Comment On Or Before Or At A Workshop On September 11, 2014*, and on August 14, 2014, the Commission issued a *Notice of Opportunity To Comment*.

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 (i) the June 12, 2014, Dogwood Energy, LLC (“Dogwood Energy”) Comments, including Dogwood Energy’s “redlined”/ “Track Changes”

proposed revision of Commission Rule 4 CSR 240-3.105 filed with its Comments in File No. EW-2014-0239; (ii) the instant Staff “redlined”/ “Track Changes” filing; and (iii) any filing that may be made prior to or at the time of the workshop scheduled for September 11, 2014.

3. Interested entities and persons may comment by making their own filing in File No. EW-2014-0239, appearing on September 11, 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 September 11, 2014, by dialing Access Number: 877-820-7831 and then PIN: 9334 8999#. 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 files a draft Staff 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 September 11, 2014, starting at 9:30 a.m., in Conference Room 315 of the Governor Office Building, in Jefferson City, accessible by speaker phone / conference call Access Number: 877-820-7831 and then PIN: 9334 8999#.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Staff Draft Revision Of 4 CSR 240-3.105 For Workshop On September 11, 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 **8th day of September, 2014**. For Union Electric Company, d/b/a Ameren Missouri that case is File No. EO-2011-0271, 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 9/8/14 FOR DISCUSSION PURPOSES ONLY

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

PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity to an electric utility for a service area or to construct electric or gas plant in Missouri, pursuant to Section 393.170 RSMo, 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 requirements of 4 CSR 240-22.010 – .080 for electrical corporations.

(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—

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 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;

Attachment A

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

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 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 must clearly identify the complete scope of the construction project for which the certificate of convenience and necessity is being sought when it is declared fully operational and used for service; and

3. Plans for financing, ownership, construction, operation and management of the electric, and, if any, gas plant;

4. Plans for operating and maintaining the facility; and

5. Plans for maintenance and restoration of safe and adequate service of the electric, and, if any, gas plant, 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 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.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought; the commission in granting authority may impose, as it deems reasonable and necessary, conditions or grant conditional authority, the certificate of convenience and necessity vesting dependent upon the occurrence of specified items within a period of time;

(3) If the facility includes multiple units to be built at different times (phases), a timeline for the entire time frame of the construction project from definitive estimate to when the final unit is to become fully operational and used for service which includes the date each unit is to become fully operational and used for service.

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(4) "Construction" of electric transmission lines, gas transmission lines, or electric generation facilities shall include both new build and substantial rebuild/renovation of an existing facility to replace what has been derated, retired, or destroyed, to restore or increase the capacity of an existing facility, extend the life of an existing facility, or address environmental requirements respecting an existing facility. Also, if the electric utility proposes to acquire a partial or full ownership of a facility built by a third party, such proposed acquisition shall constitute "construction" for the purposes of this rule and require the issuance of a certificate of convenience and necessity.

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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Attachment B