BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Aquila, Inc. for Permission and Approval and a Certificate of Convenience and Necessity Authorizing it to Acquire, Construct, Install, Own, Operate, Control, Manage and Maintain and otherwise Control and Manage Electrical Production and Related Facilities in Unincorporated Areas of Cass County, Missouri Near the Town of Peculiar.	))))))))))	Case No. EA-2006-0309

STAFF'S POSTHEARING BRIEF

This case is about Aquila's request the Commission issue certificates of convenience and necessity (CCNs) to Aquila authorizing it to "construct, install, own, operate, maintain, and otherwise control and manage" an electric power plant in Cass County, Missouri (South Harper power plant) and a transmission substation (Peculiar substation) near Peculiar, Missouri. In making its determination this Commission must decide whether the grants of such authority are "necessary or convenient for the public service." As invited by the presiding officer, the Staff limits its posthearing brief to arguing matters raised during the hearing as it would in oral argument.

SUMMARY

This case has continued the contentious litigation regarding the South Harper power plant, Peculiar substation and related matters. Nothing presented at the evidentiary hearings held in this case has caused the Staff to change from the positions it expressed in its prehearing brief filed in this case on April 21, 2006 and in the arguments it presented in its pleadings filed in opposition to the motions to dismiss filed by Cass County and StopAquila.Org. The Staff does not repeat the arguments and support it presented in those filings again in this brief other than to

reiterate its view it is in the interest of the public as whole for the Commission to grant Aquila certificates of convenience and necessity authorizing Aquila to construct, own, operate and maintain both the South Harper Power Plant and the Peculiar Substation subject to the conditions that (1) emergency horns and sirens at the sites must be focused to the attention of site personnel and not the entire neighborhood and (2) security lighting of the completed facilities must be subdued and be specifically designed to minimize "sky shine" that would impact the surrounding area.

As requested by Commissioner Clayton, the Staff has researched further for cases where this Commission has made decisions on applications for certificates of convenience and necessity for the siting of electric power plants and, with some assistance from others, has located eight more Commission Report and Orders. The Staff does not believe the list is exhaustive; however, the cases are difficult to find. The issue of zoning was not raised or addressed in any of these additional Report and Orders. The eight cases the Staff located are listed in the attached Appendix A.

The Staff addresses the issue of whether this Commission should defer to the Cass County Commission on the siting of the South Harper Plant and Peculiar Substation, and recommends it should not.

While the Staff has found factors the Commission has generally considered when an electric utility has sought Commission authorization to construct a power plant, the Staff found no all-inclusive list of such factors and submits, as the Commission has previously recognized in similar circumstances, each application presents a unique set of circumstances the Commission must evaluate.

During the hearing the parties suggested new conditions to impose on any certificate of convenience and necessity the Commission might authorize in this case. The Staff recommends the Commission adopt the conditions proposed by Warren Wood and addresses why the conditions proposed by others should be rejected.

THE PUBLIC SERVICE COMMISSION SHOULD NOT DEFER TO CASS COUNTY

Cass County, Missouri and other parties in this case argue this Commission should defer to the County to site the South Harper Plant and Peculiar Substation. The Staff is of the view that in its opinion handed down December 20, 2005 in *StopAquila.Org. v. Aquila,Inc.*, 180 S.W.3d 24 (Mo. App. 2005), the Western District Court of Appeals held this Commission has the authority to issue a certificate of convenience and necessity for the South Harper Plant that approves a location for the plant and, if it does so, the plant will not be subject to zoning regulations of Cass County, Missouri.

In *StopAquila.Org* the Court cites to *In the matter of the Application of Missouri Power & Light Company for Permission and Authority to Construct, Operate and Maintain a 54 MegaWatt Combustion Turbine Generating Unit in Jefferson City , Cole County, Missouri*, 18 MoPSC (NS) 116, Case No. 17,737 (Report and Order dated July 27, 1973). In the summary of this case it provided in its prehearing brief the Staff noted the Commission had stated nearby residents had not complained of noise from the unit at a June 5, 1973 hearing. In the Commission's Report and Order authorizing Missouri Power & Light Company to construct the generating unit in Jefferson City, Missouri, the Commission stated, "At the time of the June 5[, 1973] session of the hearing, no complaints concerning noise had been voiced by any residents of the Schellridge Subdivision."[1] The clear implication of this statement in the Report and Order

[1] 18 MoPSC(NS) 118.

is that the unit was operating ***before*** the Commission issued its Report and Order authorizing construction of the plant.

Issuing a certificate of convenience and necessity that authorizes a plant to be built at a specific location does not impose a restriction on how land may be used. In contrast, zoning regulations impose restrictions on land use. In other words, a certificate of convenience and necessity authorizing construction of a power plant at a specific site is not an act of zoning.

This Commission should not defer to Cass County on siting the South Harper Plant or Peculiar Substation. During the hearing Presiding Cass County Commissioner Mallory admitted telling Aquila that Aquila had "a snowball's chance in hell" of the County approving the Camp Branch site for a power plant. (Tr. 1371-72). Even Cass County's own land use expert Mr. Peshoff admitted such a statement was improper. (Tr. 1580-84). Although the Commission's Staff specifically requested a copy of Cass County's current zoning map on two occasions, Cass County did not produce any county zoning map until near the end of the evidentiary hearings in this case. (Tr. 1699-1701 and 1730-31).

Further, the Staff believes the record in this case calls into question the enforceability of Cass County's zoning. Cass County has represented Exhibit 102 is a 1999 zoning map (Tr. 1322-27), yet during the hearing Presiding Cass County Commissioner Mallory testified (Tr. 1350-1354) Exhibit 102 is the map adopted by reference in Cass County's February 1, 2005 zoning ordinance (Exhibit 119, Zoning Order at p. 27). That ordinance repealed Cass County's prior zoning ordinance. (Exhibit 119, Zoning Order subpart H. at p. 2; Tr. 1594). Even cursory comparison of Exhibit 102 with the Comprehensive Plan Update-2005 Land Use Tiers map, found as Schedule WW-10 to the surrebuttal testimony of Staff witness Warren T. Wood and following p. 38 of Exhibit 118, reveals the municipal boundaries do not match; those of the

Comprehensive Plan Update-2005 Land Use Tiers map encompass more territory than those of Exhibit 102. Further, Cass County witness Presiding Cass County Commissioner Mallory was unable to correlate the Classification of Zones found at p. 27 of Exhibit 119 with the zones drawn on Exhibit 102. Further, Cass County witness Peshoff testified during the hearing Exhibit 102 has not been updated since 1999 and declined to state Exhibit 102 was consistent with either Cass County's 2003 Comprehensive Update Plan or its 2005 Comprehensive Update Plan. (Tr. 1681-82).

Although Cass County witness Presiding Cass County Commissioner Mallory testified the Aries site was approved for a power plant by the County through the planning and zoning process (Tr. 1439-1440 & 1448-1449), the Staff is unable to locate the Aries site on Exhibit 102 in an area shown on that exhibit where industrial use is allowed by a special use permit or by rezoning. The approximate location of the Aries site is near the intersection of Cemetery Road and 175th Street. (Schedule CR-8 to Exhibit 13, the surrebuttal testimony of Aquila witness Rogers; see also Schedule CR-7 to the Exhibit 13—Peshoff site no. 2). Aries was built around 2000, well before Cass County enacted its current zoning ordinance on February 1, 2005. That the Aries site is not located in Exhibit 102 in an area where industrial use is permitted further supports the inaccuracy and unreliability of Exhibit 102 and, thus, Cass County's zoning. On the record in this case, the enforceability of Cass County's zoning is, at best, questionable.

The Staff does not suggest this Commission need find Cass County does not have enforceable zoning; however, the foregoing issues should eliminate any reservations any Public Service Commissioner might have as to whether this Commission should defer to Cass County for siting either the South Harper Plant or the Peculiar Substation.

NO ALL-INCLUSIVE LIST OF FACTORS

In its Prehearing Brief the Staff listed factors generally common to the Commission decisions the Staff found at that time. Generally, those factors are also common to the additional cases the Staff lists in Appendix A. The Staff has found no exhaustive list of factors the Commission is to consider in determining whether to grant a certificate of convenience and necessity for an electric power plant. The Staff is aware of a recent transmission line case—the AmerenUE Callaway-Franks transmission line case,[2] which involves the same statute—Section 393.170—which was vigorously contested. There, the Commission balanced all the relevant factors in determining whether to grant AmerenUE's request. In explaining the nature of its analysis the Commission stated the following:

Necessary and Convenient for the Public Service

> The Court of Appeals has said that, "[f]or some reason, either intentional or otherwise, the General Assembly has not seen fit to statutorily spell out any specific criteria to aid in the determination of what is 'necessary or convenient for the public service' within the meaning of such language as employed in Section 393.170 . . ."[3] That same Court found that the safety and adequacy of facilities are criteria that may be considered, but that they are not the only criteria. The Court of Appeals has also stated that "the term 'necessity' does not mean 'essential' or 'absolutely indispensable', but that an additional service would be an improvement justifying its cost."[4]
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> > The dominant purpose in creation of the Commission is public welfare.[5] The administration of its authority should be directed to that purpose. In every case where it is called upon to grant a permit, or to authorize an additional service to be rendered by an authorized certificate holder, the Commission should be guided, primarily, by considerations of public interest.[6]

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[2] *In the Matter of the Application of Union Electric Company for Permission and Authority to Construct, Own, and Maintain a 345 Kilovolt Transmission Line in Maries, Osage, and Pulaski Counties, Missouri ("Callaway-Franks Line"), Case No. EO-2002-351, 12 MoPSC3d 174 (Report and Order dated August 21, 2003).*

[3] *State ex rel. Ozark Elec. Co-op. v. Public Service Commission*, 527 S.W.2d 390, 394 (Mo. App. S.D. 1975).

[4] *State ex rel. Intercon Gas, Inc., v. Public Service Commission*, 848 S.W.2d 593, 597 (Mo. App. 1993), *citing State ex rel. Beaufort Transfer Co. v. Clark*, 504 S.W.2d at 219.

[5] *Citing, Alton R. Co. v. Public Service Commission*, 110 S.W.2d 1121, 1125 (Mo. App. 1937).

[6] *Missouri Pacific Freight Transport Co. v. Public Service Commission*, 288 S.W.2d 679, 682 (Mo. App. 1956).

Thus, in determining whether the proposed transmission line is "necessary or convenient for the public service," the Commission must determine if granting a certificate to build the proposed transmission line is in the public interest.

Who are "the public"? Concerned Citizens argues that the Commission should not consider the benefits it admits exist for AmerenUE, Associated, or Associated's customers. Concerned Citizens would have the Commission consider only the interests of the affected landowners. However, this argument is contrary to the case law.

In the *Missouri Pacific Freight Transport Company* case, the Court stated that the "rights of an individual with respect to issuance of a certificate are subservient to the rights of the public . . ."[7] And, in a case affirming the Commission's grant of a certificate of convenience and necessity to a water utility, the Court in *Public Water Supply District No. 8 stated, "the ultimate interest is that interest of the public as a whole . . . and not the potential hardship to individuals . . ."*[8]

The Commission is also aided by zoning and eminent domain cases where the issue of public interest is often addressed. An examination of those cases in Missouri finds that the determination of public interest is a balancing test between public and private interests.[9] And further, "[n]o one factor is dispositive in balancing public versus private interests. Each case stands on its own facts and circumstances."[10]

Section 386.610, RSMo, which applies to the Commission's general regulatory power over electric corporations, supports this balancing test approach.[11] The relevant part of 386.610 states that "[t]he provisions of this chapter shall be liberally construed with a view to the public welfare, efficient facilities and substantial justice between patrons and public utilities."

The Commission must, therefore, balance all the relevant factors, both the benefits and detriments, and determine whether the public benefits of the project outweigh the individual detriments. It is not within the authority of this Commission to determine the monetary value or just compensation for such detriments other than to determine if the costs of the project outweigh the benefits provided by it.

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[7] *Id.*, *citing State ex rel. Missouri, Kansas & Oklahoma Coach Lines v. Public Service Commission*, 179 S.W.2d 132; *State ex rel. Interstate Transit Lines v. Public Service Commission*, 132 S.W.2d 1082.

[8] *State ex rel. Public Water Supply Dist. No. 8 of Jefferson County v. Public Service Commission*, 600 S.W.2d 147, 156 (Mo. App. W.D. 1980).

[9] *Rhein v. City of Frontenac*, 809 s.W.2d 107 (Mo. App. 1991). *See also, Hoffman v. City of Town and Country*, 831 S.W.2d 223 (Mo. App. E.D. 1992), and *Huttig v. City of Richmond Heights*, 372 S.W.2d 833 (Mo. 1963).

[10] *Id.* at 110.

[11] Section 386.250, RSMo.

Weighing the Benefits and Detriments

The basis of AmerenUE's case is that there is a need to add a 345-kV transmission line to relieve overloading on its Bland-Franks Line. Concerned Citizens argues that other options, especially the option of a parallel Bland-Franks Line, might also solve the problem. Concerned Citizens further argues that AmerenUE must not only prove the transmission line is in the public interest, but that AmerenUE must prove the Callaway-Franks Line is the "best" solution. Concerned Citizens do not support their "best solution" standard with any legal authority, but rather are hoping that the Commission is persuaded to adopt this standard because of the gravity of the harm to the individual landowners.

AmerenUE is a regulated monopoly. As such, the Commission sets the rates AmerenUE charges and limits the earnings of its shareholders. If AmerenUE did not consider all the reasonable alternatives and the profitability of the alternatives, the Commission may determine that those expenses are not prudent in the context of a rate case. In the context of this case, however, the Commission will not step into AmerenUE's shoes as to management decisions, but will only determine whether its request to build the transmission line is in the public interest.

After considering the application and all of the evidence filed and presented, the Commission concludes that AmerenUE's decision to build the proposed Callaway-Franks Line is a reasonable and sound electrical solution to the overloading problems existing on AmerenUE's system. Furthermore, the Commission concludes that because it provides the shortest route with the least impedance, the Callaway-Franks Line is the best electrical solution of the reasonable alternatives.

Having found that the Callaway-Franks Line will lessen the potential for safety hazards and damaged facilities, avoid service interruptions, avoid increased maintenance costs, enhance the reliability of the electric grid, and promote cooperation between electric utilities, the Commission also concludes that AmerenUE's choice of the route from Callaway to Franks is a reasonable and sound route.

The Commission must weigh the benefits and detriments to all the groups affected by its decision. The Commission found many benefits provided by the proposed line including benefits to AmerenUE's customers, Associated's customers, and the entire electric power grid. The Commission gives great weight to these benefits. But the Commission also found the proposed line will harm a few individuals. Under the particular facts of this case, the Commission concludes that the gravity of the harm to the individuals counterbalances the public benefits. As explained more fully below, the Commission found several conditions, however, that if attached to the certificate will mitigate the detriments

> to the specific individuals. Therefore, the Commission concludes that these conditions are reasonable and necessary for the benefits to outweigh the detriments created by the transmission line. The Commission concludes that the construction and operation of the proposed Callaway-Franks Line and the substation facilities and other appurtenances thereto, as described in AmerenUE's Application, is necessary or convenient for the public service and is in the public interest if certain conditions are attached.
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> *Id*. at 189-91

As set forth in the AmerenUE Callaway-Franks transmission line case and in the Staff's prehearing brief, the Commission "must weigh the benefits and detriments to all the groups affected by its decision" in determining whether to issue to Aquila certificates of convenience and necessity for the South Harper Plant and the Peculiar Substation. As pointed out by Commissioner Appling during the hearing, the Commission should not ignore those individuals supporting the South Harper Plant, many of whom testified in favor of the plant at the local public hearings the Commission held on March 30 and April 6, 2006. Additionally, the Commission should not ignore the support of the cities of Peculiar and Lake Annette, both located in Cass County, for the plant.

As it did in the AmerenUE Callaway-Franks transmission line case, the Commission should not step into the Aquila's shoes as to management decisions nor should it require the South Harper Plant and Peculiar Substations be the "best" solutions, but instead the Commission should independently determine whether each of Aquila's requests for authority to build the South Harper Plant and Peculiar Substation are in the public interest.

CONDITIONS TO CERTIFICATE OF CONVENIENCE AND NECESSITY

During the hearing in this case, parties suggested conditions to any certificate of convenience and necessity the Commission might grant. Among those suggestions was a condition that Aquila creates a pool of funds from which those claiming injury from erection of

the South Harper Plant or Peculiar Substation might obtain compensation. Along with the difficult and thorny issues of who would administer such a fund and to whom and how someone would seek compensation from such a fund, when a similar proposal was made in the UE Callaway-Franks transmission line case, the Commission appropriately stated:

> Concerned Citizens requests that the Commission condition the grant of a certificate on the limitation "from liability for injury to persons or property of AmerenUE during and after construction of the line."[12] There was no evidence in the record to support such a condition as reasonable or necessary. Furthermore, the Commission has no authority to limit the liability of the Concerned Citizens in this regard.
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> Another condition proposed by Concerned Citizens is that AmerenUE be required to "compensate property owners for any diminution in value to remaining property not taken by AmerenUE as easement for the line, and . . . fully compensate property owners for economic losses caused by existence of the line."[13] This proposed condition is clearly a matter within the jurisdiction of the courts and not that of the Commission. The Commission has no authority to determine or grant monetary damages and furthermore, no evidence was presented as to what those damages might be. The court is the proper venue to determine the value of easements.
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> Concerned Citizens also requests that the Commission find that any breach of the conditions imposed on the certificate will result in the granting of the certificate to be null and void. The Commission cannot conclude that such a condition would be reasonable. The Missouri statutes provide that any person may complain to the Commission for violations of the Commission's orders.[14] Thus, there already exists a statutory mechanism to remedy such violations of the Commission's orders. If a violation occurs, the Commission has further set out in its rules the specific procedures for filing a complaint.[15] The Commission notes, however, that penalties sought by it in the Circuit Court are to be paid to the Public School Fund.[16]
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> If the violation results in damage to the property owner sufficient to create a civil cause of action, the property owner would then have to seek a remedy for that damage with the courts.

[12] Statement of Position of Intervenors, p. 4 (filed September 19, 2002).
[13] *Id.*
[14] Section 386.390, RSMo.
[15] 4 CSR 240-2.070.
[16] Section 166.011, RSMo.

12 MoPSC3d at 193.

During the hearing in this case Aquila counsel Dale Youngs, in the presence of John Coffman, represented to the Commission that the neighbors represented by John Coffman in this case had brought civil actions against Aquila seeking compensation for such damages. Mr. Coffman did not dispute Mr. Youngs' representation.

Without providing any support, during cross-examination Counsel for Cass County presented to Staff witness Wood a list of proposed conditions to certificates of convenience and necessity in this case. Counsel for Cass County asked for Staff's response to requiring zoning as a condition. (Tr. Vol. 6, p. 792- p. 801.) Staff witness Wood responded the Staff's view that the Commission should not impose that condition. Cass County then suggested that Aquila might be required to reimburse the parties who have suggested that "Aquila failed to comply with the law." (Tr. p. 794.) Staff witness Wood did not express an opinion, but a prior Commission recently expressed a view contrary to the suggestion of Counsel for Cass County, as indicated in the quotation above.

When asked whether imposing a condition that roads should be brought to a grade satisfactory to Cass County, Staff witness Wood indicated that, in his opinion, Aquila had already made significant improvements and that any condition should recognize that Aquila has already done a lot to "make the roads as good as they are today." (Tr. Vol 6, p. 797.) Exhibit 129 is an April 6, 2005 letter from Terry Hedrick of Aquila to Robert Leeper of the Cass County Commission wherein Mr. Hedrick states regarding 243rd Street: "As per previous discussions, the road project will be designed and constructed under the direction of Cass County."

In response to Cass County's suggestion of a condition that Aquila be barred from placing any additional units on the South Harper site without obtaining authorization from Cass

County, Staff witness Wood responded it would be reasonable for Aquila to be required to obtain such authorization from this Commission or from Cass County. (Tr. p. 800.) It is the Staff's view that the Western District has held in *StopAquila.Org* that Commission approval for locating any additional generating units at South Harper is required if Aquila is presently seeking a CCN for only three units.

MISSOURI ELECTRIC CONSUMERS NEED THE CAPCITY AND ENERGY

As in the Callaway-Franks transmission line case, the basis for this application is electric consumers need for the energy and capacity produced by the South Harper peaking station. Staff witness Mantle testified Aquila needs capacity to replace the Calpine purchased power agreement (PPA), which expired May 31, 2005. Under that contract Calpine supplied energy and up to 500 megawatts (MW) of capacity in the summer and 320 MW of capacity in the winter from the Aries power plant in Pleasant Hill. In addition to the need to replace the Aries PPA, Aquila also needs capacity and energy to meet growth in its Missouri customers' electrical needs. (Staff witness Mantle Rebuttal Exhibit 17, p. 3)

Cass County Presiding Commissioner Gary Mallory testified that Cass County is the fastest growing county in Missouri. (Tr. Vol 10, p. 1467, ls. 11-12.) Staff witness Mantle testified that the addition of three 105 MW combustion turbines is an appropriate choice to meet the resource needs of Aquila and the building of these three combustion turbine units meets two reasonableness criteria. The first of these is that Aquila Networks—MPS has a unique load type. Compared to the other investor owned electric utilities in Missouri, and even Aquila Networks—L&P, the ratio of Aquila Networks—MPS's residential class annual energy usage to its industrial class usage is very high, which means that additional peaking capacity is reasonable. (Staff witness Mantle Rebuttal Exhibit 17, p. 6 - p. 7.)

The testimony of Southwest Power Pool witness Jay Caspary demonstrates that the individuals complaining about the plant, even though they are not Aquila customers, are also served by the energy and capacity generated by this plant

Southwest Power Pool witness Caspary testified that the addition of the South Harper generating facility and associated substation will relieve the load on other transmission facilities in southern Kansas City and benefit the overall operation of the transmission system in that area. (Exhibit 31, Caspary Reb. p. 9) Southwest Power Pool witness Caspary also testified that this addition will improve the reliability of the system in this growing area. (Exhibit 31, Caspary Reb. p. 11, ls. 1-6.) It is further in the public interest for the Commission to approve this application because, in Mr. Caspary's words, "The reliability benefits of these new sources to support the future needs of this area are unquestionable." (Exhibit 31, Caspary Reb. p. 11, ls.5-6)

While Southwest Power Pool witness Caspary addressed the needs of the entire area, Staff witness Mantle directed her testimony more to the needs of Aquila's Missouri electric customers and their need for peaking power. Staff witness Mantle testified for Staff that to serve its customers Aquila needs at least as much peaking power as is provided by the three 105 megawatt combustion turbine peaking units located at South Harper.

CONCLUSION

The Commission should grant Aquila certificates of convenience and necessity authorizing Aquila to construct, own, operate and maintain both the South Harper Power Plant and the Peculiar Substation subject to the conditions that (1) emergency horns and sirens at the sites must be focused to the attention of site personnel and not the entire neighborhood and (2) security lighting of the completed facilities must be subdued and be specifically designed to minimize "sky shine" that would impact the surrounding area.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 12th day of May 2006.

/s/ Nathan Williams

APPENDIX A

1) *In the Matter of the Application of Westar Generating, Inc. for a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Control, Manage, and Maintain Electric Production Facilities in Jasper County, Missouri, Pursuant to the terms of a July 26, 1999 Agreement for the Construction, Ownership and Operation of State Line Combined Cycle Generating Facility,* Case No. EA-2000-153, 9 MoPSC3d 136 (Report and Order dated June 1, 2000) ("Westar State Line Combined Cycle Unit");

2) *In the Matter of the Application of Kansas City Power & Light Company, St. Joseph Light & Power Company and The Empire District Electric Company,* Case No. EM-78-277, 22 MoPSC(NS) 249 (Report and Order dated July 28, 1978) ("Empire Energy Center Unit 2");

3) *In the Matter of the Application of The Empire District Electric Company for a Certificate of Convenience and Necessity to Purchase, Construct, Own, Operate and Maintain Electric Production and Related Facilities in Jasper County, Missouri,* Case No. EA-77-38, 21 MoPSC(NS) 351 (Report and Order dated February 25, 1977) ("Empire Energy Center Unit 1");

4) *In the Matter of the Application of Union Electric Company for Permission and Authority to Construct, Operate, and Maintain a 43-MegaWatt Combustion Turbine Generating Unit in St. Louis County, Missouri*, Case No. 17,509, 17 MoPSC(NS) 258 (Report and Order dated August 29, 1972) ("UE Howard Bend Generating Unit");

5) *In the Matter of the Application of Union Electric Company for Permission and Authority to Construct, Operate, and Maintain a Multi-Unit Steam Electric Generating Plant in Franklin County, Missouri*, Case No. 16,108 (unreported case) (Report and Order dated December 2, 1966) ("UE Labadie Plant");

6) *In the Matter of the Application of Kansas City Power & Light Company, a Missouri Corporation, for a Certificate of Public Convenience and Necessity Authorizing the Construction, Operation, and Maintenance of a Steam Electric Generating Station and a Reservoir to Provide Condensing Water for Said Generating Station in Henry County, Missouri,* Case No. 13,058 (Report and Order dated April 21, 1955) (unreported case) ("KCPL Montrose Plant");

7) *In the Matter of the Application of the Union Electric Light and Power Company for an Order Authorizing it to Purchase, and the Application of the Missouri Hydro-Electric Power Company for an Order Authorizing it to Sell All of its Rights, Franchises and Property Pertaining to the Osage River Hydro-Electric Development in the Counties of Miller, Morgan, Camden and Benton, in the State of Missouri,* Case No. 6474, 17 MoPSC 367 (Report and Order dated July 21, 1929) ("UE Bagnell Dam Plant");

8) *In the Matter of the Application of the Missouri Hydro-Electric Power Company for a Certificate of Public Convenience and Necessity,* Case No. 4632 (unreported case) (Report and Order dated January 12, 1926 and Supplemental Order dated January 26, 1926) ("Missouri Hydro-Electric Bagnell Dam Plant").