

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 24<sup>th</sup> day of  
April, 2013.

In the Matter of the Application of Union Electric Company )  
d/b/a Ameren Missouri for Permission and Approval and )  
a Certificate of Public Convenience and Necessity )  
Authorizing it to Construct, Install, Own, Operate, Maintain )  
and Otherwise Control and Manage a 345,000-Volt Electric )  
Transmission Line in Cape Girardeau County, Missouri )

**File No. EA-2013-0089**

**ORDER GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY**

Issue Date: April 24, 2013

Effective Date: May 4, 2013

On December 6, 2012, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed an application with the Missouri Public Service Commission (“Commission”) for a Certificate of Convenience and Necessity (“CCN”) to construct, install, own, operate, control, manage and maintain a 345,000-volt transmission line in Cape Girardeau County, Missouri. The Commission directed notice of the application and set an intervention deadline of January 2, 2013. The International Brotherhood of Electrical Workers and the Operating Engineers Unions filed an application to intervene on December 28, 2012, which was granted by the Commission on January 10, 2013. On April 5, 2013, the Commission’s Staff filed a recommendation that advised the Commission to approve the application. The ten-day period to respond to that filing has elapsed, and no party has objected to Staff’s recommendation.

Ameren Missouri is an “electrical corporation” and a “public utility” as defined in Subsections 386.020(15) and (43), RSMo (Supp. 2012). It is subject to the jurisdiction of

this Commission under Chapters 386 and 393, RSMo 2000. An electrical corporation may not exercise any right under a franchise without first obtaining the permission and approval of this Commission.<sup>1</sup> The Commission may give permission and approval when it has determined after due hearing<sup>2</sup> that such construction or the exercise of such right under a franchise is “necessary or convenient for the public service.”<sup>3</sup> The Commission may also impose such conditions as it deems reasonable and necessary upon its grant of permission and approval.<sup>4</sup>

Ameren Missouri has planned an electric transmission line project to enhance the reliability of service to its customers in and around Cape Girardeau, Missouri. Part of the plan includes the construction of a new, approximately fourteen mile 345,000-volt electric transmission line. Approximately six miles of the proposed transmission line is not within Ameren Missouri’s current certificated service area. In *Harline v. Public Service Commission of Missouri*, 343 S.W.2d 177, 184 (Mo. App. 1960), the court held that a public utility was not required to obtain an additional certificate of convenience and necessity to construct a transmission line within a territory already allocated to it. Therefore, Ameren Missouri is only required to seek authority for the approximately six miles of transmission line that it seeks to build outside its certificated service territory.

The Commission has stated five criteria that it will use in determining whether construction and operation are necessary or convenient for the public service:

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<sup>1</sup> Section 393.170, 1 and 2, RSMo 2000.

<sup>2</sup> The requirement for a hearing is met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence. No party requested a hearing in this matter; thus, no hearing is necessary. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm’n of the State of Missouri*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

<sup>3</sup> Section 393.170.3, RSMo 2000.

<sup>4</sup> *Id.*

1. There must be a need for the service;
2. The applicant must be qualified to provide the proposed service;
3. The applicant must have the financial ability to provide the service;
4. The applicant's proposal must be economically feasible; and
5. The service must promote the public interest.<sup>5</sup>

In its recommendation, Staff states that the new electric transmission line is necessary in order to address reliability concerns in that region and prevent the voltage collapse that could result in an outage to over 320 megawatts of load in the Cape Girardeau area. Ameren Missouri is qualified to construct, install, own, operate, maintain, and otherwise control and manage the transmission line project and is financially able to provide this service. The project is economically feasible and is in the public interest. The Commission concludes that granting the application for a certificate of convenience and necessity meets the above-listed criteria.

Based on the Commission's independent and impartial review of the verified application and the verified recommendation of Staff, the Commission finds that granting Ameren Missouri's application for a certificate of convenience and necessity would serve the public convenience and necessity. Therefore, the application will be granted. Since the application is unopposed, and Ameren Missouri has requested that its application be approved by May 1, 2013, this order will be given a ten-day effective date.

**THE COMMISSION ORDERS THAT:**

1. Union Electric Company d/b/a Ameren Missouri is granted permission, approval, and a certificate of convenience and necessity to construct, install, own, operate, control, manage and maintain a 345,000-volt electric transmission line to provide electric

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<sup>5</sup> *In re Tartan Energy Company*, 3 Mo.P.S.C. 173, 177 (1994).

service in Cape Girardeau County, Missouri, as more particularly described in its application.

2. Union Electric Company d/b/a Ameren Missouri shall file with the Commission revised tariff sheets amending any descriptions of its service territory in Cape Girardeau County, Missouri, that may be affected by the project described in its application.

3. Nothing in this order shall be considered a finding of the Commission of the reasonableness of the expenditures herein involved, the value for ratemaking purposes of the facilities herein involved, or as acquiescence in the value placed upon those facilities by Union Electric Company d/b/a Ameren Missouri. Furthermore, the Commission reserves the right to consider the ratemaking treatment to be afforded these expenditures in any later proceeding.

4. This order shall become effective on May 4, 2013.

5. This matter may be closed on May 5, 2013.

**BY THE COMMISSION**



Joshua Harden  
Secretary

R. Kenney, Chm., Jarrett, Stoll,  
and W. Kenney, CC., concur.

Bushmann, Regulatory Law Judge