

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 3<sup>rd</sup> day of  
January, 2013.

In the Matter of the Application of Union Electric Company, )  
d/b/a Ameren Missouri, for a Certificate of Convenience )  
and Necessity Authorizing it to Construct, Install, Own, )  
Operate, Control, Manage and Maintain a )  
Sub-Transmission Line to Provide Electric Service in )  
Clay County, Missouri )

**File No. EA-2013-0316**

**ORDER GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY**

Issue Date: January 3, 2013

Effective Date: January 4, 2013

On November 29, 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 an electric sub-transmission line to provide electric service in Clay County, Missouri, for a new customer locating to Ameren Missouri's existing territory. The proposed electric line would have total length of approximately 12,020 feet, but about 885 feet of that line would pass through the certificated service territory of KCP&L Greater Missouri Operations Company ("GMO"). GMO was granted leave to intervene on December 17, 2012. On December 17, 2012, 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 GMO has not 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. 2011). 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>

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 885 feet of transmission line that it seeks to build outside its certificated service territory.

In its recommendation, Staff states that the new electric sub-transmission line is necessary because Ameren Missouri is currently unable to deliver the requisite amount of power to its new customer’s business site. Granting the application is in the public interest because it will bring approximately 155 jobs to the area. In addition, ratepayers should not be harmed by the transaction, since Ameren Missouri’s tariff requires that the new customer provide a letter of credit that could be attached if the revenue flow from the customer is less than anticipated.

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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.*

On December 28, 2012, the International Brotherhood of Electrical Workers Locals 2 and 1439,1455, AFL-CIO, (“IBEW”) sought late intervention. The reason provided for being late was the inability to contact legal counsel, which the Commission considers to be good cause for the late filing. Commission Rule 4 CSR 240-2.075(3) provides that the Commission may grant a motion to intervene if the proposed intervenor “has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case.” The interest that IBEW asserts it is representing is its concern over the terms and conditions of its members’ employment. However, the Commission’s decision cannot, by statute, affect the terms and conditions of IBEW’s members.<sup>5</sup> Since IBEW’s expressed interests would not be adversely affected by a final order, intervention is not appropriate and will be denied.

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.

**THE COMMISSION ORDERS THAT:**

1. The International Brotherhood of Electrical Workers Locals 2 and 1439,1455, AFL-CIO’s late application to intervene is denied.
2. 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 an electric sub-transmission line to provide electric service in Clay County, Missouri, as more particularly described in its application.

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<sup>5</sup> Section 386.315, RSMo 2000.

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 January 4, 2013.

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

**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Shelley Brueggemann".

Shelley Brueggemann  
Acting Secretary

( S E A L )

Gunn, Chm., Jarrett, Kenney,  
and Stoll, CC., concur.

Bushmann, Regulatory Law Judge