

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 4<sup>th</sup> day of  
January, 2012.

|   |   |                                     |
|---|---|-------------------------------------|
| 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 | ) | <b><u>File No. GA-2012-0096</u></b> |
| Maintain a Natural Gas Distribution System to Provide | ) |                                     |
| Natural Gas Service in Boone County, Missouri.        | ) |                                     |

**ORDER APPROVING UNANIMOUS STIPULATION  
AND AGREEMENT AND GRANTING CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY**

Issue Date: January 4, 2012

Effective Date: February 3, 2012

**Syllabus**

This order approves the parties' Unanimous Stipulation and Agreement, and grants Union Electric Company, d/b/a/ Ameren Missouri, a certificate of convenience and necessity to provide natural gas service in a portion of Boone County, Missouri.

**Procedural History**

On September 30, 2011<sup>1</sup>, Ameren Missouri applied to the Missouri Public Service Commission for a certificate of public convenience and necessity to construct, install, own, operate, control, manage and maintain a natural gas distribution system in a portion of Boone County, Missouri. Ameren Missouri asked to serve certain sections in Township 47 North, Range 12 West and Township 46 North, Range 12 West, in

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<sup>1</sup> Calendar references are to 2011 unless otherwise noted.

Boone County. Ameren Missouri asked to serve that territory because it wishes to strengthen the reliability of the service provided to its natural gas customers in Ashland.

On September 30, the Commission issued an Order and Notice. In that Order and Notice, the Commission directed interested parties to ask to intervene no later than October 20. The Commission received no intervention requests.

On December 14, Ameren Missouri and Staff filed a Unanimous Stipulation and Agreement.<sup>2</sup> Thus, this case may be decided on the basis of a stipulation and agreement without convening a hearing.<sup>3</sup> Because of this stipulation, the Commission need not separately state its findings of fact or conclusions of law.<sup>4</sup>

## **Decision**

The Commission may grant a certificate of convenience and necessity after determining that the construction and operation are either “necessary or convenient for the public service.”<sup>5</sup> The Commission has stated five criteria that it will use:

- 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>6</sup>

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<sup>2</sup> Curiously, the Office of Public Counsel (“OPC”) has not signed the document entitled Unanimous Stipulation and Agreement. However, Staff states that it has been told that OPC does not oppose the stipulation, and that it will not request a hearing. Furthermore, seven days have elapsed since the agreement was filed, and OPC has not objected, making the stipulation unanimous per Commission Rule 4 CSR 240-2.115(2)(C).

<sup>3</sup> Section 536.060 RSMo Cum. Supp. 2010.

<sup>4</sup> Section 536.090 RSMo Cum Supp. 2010.

<sup>5</sup> Section 393.170, RSMo 2000.

<sup>6</sup> *In re Tartan Energy Company*, 3 Mo.P.S.C. 173, 177 (1994).

Based on the pleadings and the Unanimous Stipulation and Agreement, the Commission finds that Ameren Missouri's application for a certificate of convenience and necessity meets the above listed criteria.<sup>7</sup> The application will be granted.

**THE COMMISSION ORDERS THAT:**

1. Union Electric Company, d/b/a Ameren Missouri, is granted a certificate of public convenience and necessity to construct, install, own, operate, control, manage and maintain a natural gas distribution system in the service territory described in Appendix B of the Application.
2. The Commission approves the Unanimous Stipulation and Agreement.
3. The signatories of the Unanimous Stipulation and Agreement shall comply with its terms.
4. This order shall become effective on February 3, 2012.
5. This case may be closed on February 4, 2012.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Gunn, Chm., Jarrett, Kenney,  
and Stoll, CC., concur.  
Davis, C., abstains.

Pridgin, Senior Regulatory Law Judge

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<sup>7</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).