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February 11, 1997

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Susan B. Cunningham, Esq.
Kansas City Power & Light Company
P. O. Box 418679
Kansas City, Mo 64141

FILED
FEB 11 1997
MISSOURI
PUBLIC SERVICE COMMISSION

Re: *Case No. EM-97-305 - In the Matter of the Application of Kansas City Power & Light Company for authority to sell to the City of Kansas City, MO certain streetlighting facilities subject to the jurisdiction of the Commission*

Dear Ms. Cunningham,

I have reviewed the above-referenced application. Pursuant to 4 CSR 240-2.060 (5)(copy enclosed), applications for authority to sell, assign, lease or transfer assets shall include: (B) A copy of the contract or agreement of sale. The application which you provided is defective because it does not have a copy of the contract or agreement of sale.

Paragraph 7 of the application as filed states, "A copy of the Streetlight Agreement is not required to be included in this Application as set out in Section 393.140 (11) RSMo which exempts state, municipal or federal contracts from Commission review." If the "Streetlight Agreement" referenced in the application is the contract or agreement of sale relating to this transaction, then § 393.140(11) does not exempt KCPL from providing such sale agreement. § 393.140(11) is limited to contracts or agreements relating to rates, charges, or service used.

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To expedite consideration of your application, please file a copy of the agreement for sale between Kansas City Power & Light Company and the City of Kansas City, Missouri at your earliest convenience.

Sincerely yours,

A handwritten signature in cursive script, reading "Thomas H. Luckenbill".

Thomas H. Luckenbill
Deputy Chief Administrative Law Judge

THL/lfb

Encl.

cc: Counsel of Record
Official Case File ✓

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

(I) The facts showing that the granting of the application is required by the public convenience and necessity.

(3) Applications for a certificate of interexchange service authority to provide customer-owned coin telephone (COCT) service shall be filed on the form provided by the commission.

(A) Applications for COCT service shall include:

1. The general area in which service is to be offered;

2. If the applicant is a Missouri corporation, a certified copy of its Certificate of Incorporation from the secretary of state;

3. If the applicant is a foreign corporation, a certified copy of its certificate of authorization to do business in Missouri from the secretary of state;

4. If the applicant is a partnership, a certified copy of the partnership agreement;

5. If the applicant does business under a fictitious name, a certified copy of the registration of the fictitious name with the secretary of state.

(B) Providers of COCT service shall be exempt from the provisions of sections 392.390(1) and (3), RSMo, but shall remain subject to the provisions of section 386.370, RSMo.

(4) Applications for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange or basic local exchange, shall include:

(A) If the applicant is a Missouri corporation, a certified copy of the Articles of Incorporation and Certificate of Incorporation from the secretary of state;

(B) If the applicant is not a Missouri corporation, a certificate from the secretary of state that it is authorized to do business in Missouri;

(C) If the applicant is a partnership, a copy of the partnership agreement;

(D) If the applicant does business under a fictitious name, a copy of the registration of the fictitious name with the secretary of state;

(E) If the applicant has submitted the applicable information as set forth in subsections (4)(A)—(D) of this rule in a previous application, the same may be incorporated by reference to the case number in which the

information was furnished.

(F) A request to be classified as a competitive telecommunications company, if applicable, and a description of the types of service the applicant intends to provide;

(G) If the application is for basic local exchange service authority, the applicant shall indicate the exchange(s) in which service is to be offered; and

(H) A proposed tariff with a forty-five (45)-day effective date.

(5) Applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property;

(F) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchase must comply with 4 CSR 240-2.060(2) or (4);

(G) For gas, electrical, telecommunications, water and sewer companies, a statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located; and

(H) Competitive telecommunications companies are exempt from subsections (5)(A)—(E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, the tariff under which service will be provided and whether the purchaser has any pending or final judgments or decisions against it from any state or federal agency which involve customer service or rates.

(6) Applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations and a list of all documents generated relative to the analysis of the merger and acquisition in question;

(F) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchase must comply with 4 CSR 240-2.060(2) or (4);

(G) For gas, electrical, water, sewer and telecommunications companies, a statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located; and

(H) Competitive telecommunications companies are not required to comply with subsections (6)(A)—(E) of this rule but they must file a pleading indicating what company will be holding the certificate of service authority and providing service to Missouri customers, the tariff under which service will be provided, and whether the remaining company has either pending or final decisions or judgments against it from any state or federal agency involving service to customers or rates charged.

(7) Applications for gas storage companies for authority to acquire property through eminent domain proceedings shall include:

(A) The metes and bounds description of the areas to be acquired;

(B) A map showing the areas to be acquired;

(C) Names and addresses of all persons who may have any legal or equitable title of record in the property to be acquired; and

(D) The reasons it is necessary to acquire the property and why it is in the public interest.

(8) Applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;