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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of April, 2000.

In the Matter of the Application of St. Joseph)
Light & Power Company for a Certificate of)
Convenience and Necessity Authorizing It to)
Install, Own, Acquire, Construct, Operate,)
Control, Manage and Maintain Natural Gas) Case No. GA-2000-422
Plant and Facilities, Including a Natural Gas)
Distribution System, and to Furnish Natural)
Gas Service to the Public, in a Service Area)
in Portions of Andrew, Atchison, Holt, and)
Nodaway Counties, Missouri.)

ORDER GRANTING VARIANCE AND
CERTIFICATE OF CONVENIENCE AND NECESSITY

On January 14, 2000, St. Joseph Light & Power Company (SJLP) filed an application with the Missouri Public Service Commission (Commission) pursuant to Section 393.170, RSMo 1994, and 4 CSR 240-2.060, requesting that the Commission grant it a certificate of convenience and necessity to construct, install, own, operate, control, manage and maintain a system for the provision of natural gas service to the public pursuant to its approved rates, rules and regulations, in a service area which includes portions of Andrew, Atchison, Holt and Nodaway Counties, Missouri. In its application, SJLP requested that the Commission waive or grant a variance of various requirements of 4 CSR 240-2.060(2)(F). This section requires that the company provide information regarding other utility services available in the area, customer names and addresses, a metes and bounds description of the area to be certificated, a plat and a feasibility study.

On January 26, 2000, the Commission issued an order and notice and directed interested parties to file an application to intervene no later than February 8, 2000. No applications to intervene were filed. Since no proper party filed an application to intervene and there are no outstanding requests for hearing, the Commission determines that an oral hearing is not necessary and the Applicant may submit evidence in support of its application by verified statement. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

On February 2, 2000, the Commission issued an order directing the Staff of the Missouri Public Service Commission (Staff) to file a recommendation regarding the request for waiver. On February 25, 2000, the Staff filed its memorandum and recommendation, indicating that the application for waiver of 4 CSR 240-2.060(2)(F) is reasonable. Staff states that the requirements of 4 CSR 240-2.060(2)(F) are not necessary because the Application merely defines and clarifies SJLP's current service. Staff also notes that all sections in the requested area are adjacent to SJLP's current certificated communities and there is no impact on rates as a result of this certification. Staff recommends that the Commission grant the SJLP's request waiver of the requirements of 4 CSR 240-2.060(2)(F).

Staff's memorandum also recommends that the Commission grant SJLP's Application for a Certificate of Convenience and Necessity. Staff states that SJLP's request is "necessary or convenient for the public service" because it consolidates and clarifies the certificated area. Staff notes that this filing is a result of the Order Approving Stipulation and Agreement issued by the Commission in Case No. GR-99-246 on August 17,

1999, where SJLP agreed to more clearly define its existing service areas. As part of the unanimous stipulation and agreement in that case, SJLP agreed that it would file an application for Certificate of Convenience and Necessity utilizing land sections to cover all its facilities, including those that may be beyond the boundaries of currently certificated communities. Staff indicates that this filing will help remove any question regarding the company's authority to provide service in the requested area. Staff recommends that the Commission issue an order granting the certificate of public convenience and necessity, and that as stipulated in Case No. GR-99-246, recommends that the company should be required to file tariff sheets describing its service areas by July 1, 2000, to comply with the Commission's order issued in that case on August 17, 1999.

The Commission has reviewed the application, along with the official case file, and finds that the request for a variance is reasonable and should be granted, as should the application for a certificate of convenience and necessity.

IT IS THEREFORE ORDERED:

1. That St. Joseph Power & Light Company is granted a certificate of public convenience and necessity to construct, install, own, acquire, operate, control, manage and maintain a natural gas distribution service system as listed in Appendix 2, for the Missouri Counties of Andrew, Atchison, Holt and Nodaway.

2. That the certificate of convenience and necessity referenced in ordered paragraph 1 shall become effective on the effective date of this

order; however, St. Joseph Light & Power Company shall not provide service to customers under this certificate until the tariffs referenced in ordered paragraph 3 herein are approved.

3. That within thirty days of the effective date of this order, St. Joseph Light & Power Company shall file with the Commission tariff sheets consistent with this order describing the terms and conditions under which it will provide gas service. The tariff sheets shall bear an effective date that is at least thirty days after the date the tariff sheets are filed with the Commission.

4. That nothing in this order shall be considered a finding by the Commission of the reasonableness of the expenditures herein involved, nor of the value for ratemaking purposes of the properties herein involved, nor as an acquiescence in the value placed on the property.

5. That the Commission reserves the right to consider the ratemaking treatment to be afforded the expenditures and properties herein involved, and the resulting cost of capital, in any later proceeding.

6. That this order shall become effective on April 14, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer,
Murray, and Schemenauer, CC., concur.

Ruth, Regulatory Law Judge