

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of Sho-Me Power Corporation for permission, approval, authority and a certificate of public convenience and necessity to build approximately 35.2 miles of electric transmission lines in Camden, Dent, Webster and Laclede Counties in Missouri. )  
)  
)  
)  
)  
)

CASE NO. EA-91-159

APPEARANCES: Rodric A. Widger, Attorney at Law, Stockard, Andereck, Hauck, Sharp & Evans, P. O. Box 1280, Jefferson City, Missouri 65102, for Sho-Me Power Corporation.

Charles B. Cowherd, Attorney at Law, Taylor, Stafford, Woody, Cowherd & Clithero, Tenth Floor, Plaza Towers, 1736 East Sunshine, Springfield, Missouri 65804, for Intervenor: Gerald O'Dell, Nadine West, Don West, Edward Larimore, Sheena Larimore, Betty Bender, Thomas Trowbridge, Patricia Harris, Herman Harris, Delphia Powell, Twana Sue Powell, Jack Powell, Bertha Allen, Harold Allen, Oliver Evans, Doris Evans, William Kelley, Rethal Kelley, Thomas Bamert, Dennis Coffee and Geraldine Coffee.

Douglas E. Micheel, Assistant Public Counsel, P. O. Box 7800, Jefferson City, Missouri 65102, for the Office of the Public Counsel and the Public.

Robert J. Hack, Assistant General Counsel, P. O. Box 360, Jefferson City, Missouri 65102, for the Staff of the Missouri Public Service Commission.

HEARING

EXAMINER: Mark A. Grothoff

REPORT AND ORDER

On October 18, 1990, Sho-Me Power Corporation (Sho-Me) filed an application for a certificate of public convenience and necessity to build approximately 35.2 miles of electric transmission lines in Camden, Dent, Webster and Laclede Counties in Missouri. Sho-Me requested authority to construct three separate electric transmission line segments; namely: 10.2 miles of 69 kv line in Dent County referred to as "Salem #4 to Darien", 5 miles of 69 kv line in Camden County referred to as "Roach to Junction with Tunnel Dam - Macks Creek", and 20 miles of 161 kv line in Webster and Laclede Counties referred to as "Huben

to Marshfield #4". Sho-Me's application was subsequently amended to include the construction of a substation near Roach, Missouri.

On October 26, 1990, the Commission issued an Order and Notice providing proper persons an opportunity to intervene in this matter. Timely applications to intervene were filed. On December 5, 1990, the Commission granted intervention to individual landowners opposed to the part of Sho-Me's application designated as "Huben to Marshfield #4".

On January 29, 1991, Sho-Me filed a motion to sever the "Huben to Marshfield #4" line from the "Salem #4 to Darien" and "Roach to Junction with Tunnel Dam - Macks Creek" lines. On February 22, 1991, the Commission granted Sho-Me's motion. Additionally, the Commission established a procedural schedule for the "Huben to Marshfield #4" line. On April 16, 1991, the Commission granted Sho-Me a certificate of convenience and necessity for the "Salem #4 Darien" line, the "Roach to Junction with Tunnel Dam - Macks Creek" line, and the substation near Roach, Missouri.

Pursuant to the established procedural schedule, testimony was filed and a hearing concerning the "Huben to Marshfield #4" line was held on May 9, 1991. Briefs were subsequently filed by all parties. On October 3, 1991, a supplemental hearing was held to address additional issues presented in Sho-Me's reply brief, including an altered route proposal and updated cost information. Supplemental briefs were subsequently filed by all parties.

#### Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

Sho-Me is a public utility organized and existing under the laws of the State of Missouri for the purpose of operating, generating, transmitting, distributing, and selling power and energy, and is presently so engaged by

authority of the Commission. On October 18, 1990, Sho-Me filed an application requesting a certificate of public convenience and necessity to construct 20 miles of 161 kv electric transmission line in Webster and Laclede Counties referred to as the "Huben to Marshfield #4" line.

#### Necessity of Proposed Line

Pursuant to Section 393.170, RSMo (1986), the Commission has the authority to grant a certificate of convenience and necessity if it is necessary and convenient for public service. The evidence presented demonstrates that the need for the proposed line is two-fold: (1) to prevent overload of existing facilities, and (2) to provide reliability of service.

The proposed line is necessary to serve the growing demand for electricity in the area of Marshfield, Missouri. Long range studies indicate that within a year the existing facilities serving the Marshfield area will be overloaded. Without the proposed line, electric power must flow over the existing system which can no longer support the flow. The proposed line would significantly alleviate loading throughout the system as far as Mansfield, Missouri. The proposed line would also provide help with loading to the West Plains, Missouri transformer.

The proposed line would not replace the existing line, but rather would create additional transmission capabilities, thereby preventing an overload of Sho-Me's facilities. Such an overload would damage Sho-Me's facilities and could result in a loss of service to some customers. As the load on the existing line grows, the number of customers who would lose service due to an overload also increases.

The addition of another supply line is necessary to allow Sho-Me to serve the growing load in the Marshfield area and support Sho-Me's existing facilities. The proposed line will enhance the reliability of service to these customers and provide an additional source of electricity to the area.

The Commission is of the opinion that the proposed line is necessary for the public service as it provides an alternative supply of electricity to fulfill the growing demand for electricity in the Marshfield area and provides an alternate source of electricity in case of an outage.

#### Route of Proposed Line

Sho-Me's proposed route has been modified at least twice in an attempt to avoid adversely affecting a habitat of gray bats, an endangered species, located in a cave (Ratcliff Cave). The first amended route failed to alleviate the danger to the gray bat habitat and suffered from notice problems to several newly affected land owners. Sho-Me then proposed returning to the originally proposed route with an adjustment around the gray bat habitat. The proposed line would be rerouted to the west of Ratcliff Cave.

The legal description of the proposed route is attached as Exhibit A-2. Likewise, the reroute of the proposed line at Ratcliff Cave is shown on Exhibit A-1. The proposed route affects only three additional landowners, and Sho-Me has provided them with notice. Also, the proposed route avoids harming the gray bat habitat.

A total of 21 landowners intervened in this case. The intervenors argued that Sho-Me's proposed route would cause too great a disruption and hardship to their lives, their property, and the environment in general.

Alternatives to Sho-Me's proposed route center upon use of Sho-Me's existing 69 kv corridor by either parallel construction within that corridor or double circuit construction. Double circuit construction would entail hanging both 69 kv and 161 kv lines from the same poles. Sho-Me considered using the existing corridor but rejected the plan due to increased costs and operational constraints. The Staff of the Commission (Staff) originally urged the use of the existing corridor to the greatest extent possible, but subsequently changed its position to one supporting Sho-Me's proposed route. Staff indicated that it

continues to support the use of existing corridors when technically and economically feasible, but, in this instance, use of the existing corridor is not feasible.

Use of the existing corridor would necessitate taking the 69 kv line out of service for an extended period of time to allow for construction. Also, the existing corridor is bordered by development and its use for the proposed line would affect 67 additional landowners. Further, use of the existing corridor would increase the cost of the proposed line by approximately \$500,000 for parallel construction or approximately \$900,000 for double circuit construction.

The Commission is of the opinion that Sho-Me's proposed route is reasonable. It avoids Ratcliff Cave, the gray bat habitat. Affected landowners have been afforded notice and an opportunity to be heard. The cost of Sho-Me's proposed route is lower than the cost of using the existing corridor. The Commission understands the concerns of the intervenors. However, the proposed line has been determined to be necessary, and the proposed route is the most economically and technically feasible while having the least possible impact on the environment. Further, the Commission doubts that any alternative routing proposal would generate any less opposition than Sho-Me's proposed route. The Commission finds that Sho-Me's proposed route should be permitted as it is designed to be the least intrusive on the environment and landowners, as well as the most economically feasible.

#### Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law:

Sho-Me is a public utility subject to the jurisdiction of the Commission pursuant to Chapters 386 and 393, RSMo (1986), as amended. The Commission has the authority pursuant to Section 393.170, RSMo (1986) to grant

a certificate of convenience and necessity if it is necessary and convenient for the public service.

The Commission is of the opinion that Sho-Me's proposed line is necessary as it provides an alternative supply of electricity to fulfill the growing demand for electricity in the Marshfield, Missouri area and provides an alternate source of electricity in case of an outage. The Commission is also of the opinion that the proposed route of the line is reasonable as it is the most economically feasible and the least intrusive on the environment and landowners. Thus, the Commission finds that Sho-Me should be granted authority to construct its proposed line as it is necessary and convenient for the public service.

IT IS THEREFORE ORDERED:

1. That Sho-Me Power Corporation is hereby granted a certificate of convenience and necessity to construct, operate, and maintain 20 miles of 161 kv electric transmission line in Webster and Laclede Counties along the route set forth in Exhibits A-1 and A-2, attached hereto.

2. That nothing in this Report and Order shall be considered as a finding by the Commission of the reasonableness of the expenditures herein involved, nor of the value for ratemaking purposes of the properties herein included, nor as an acquiescence in the value placed on said properties by Sho-Me Power Corporation.

3. That the Commission reserves the right to consider the ratemaking treatment to be afforded the facilities constructed pursuant to the certificate of convenience and necessity granted herein and its resulting cost of capital in any later proceeding.

4. That this Report and Order shall become effective on March 11,  
1992.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

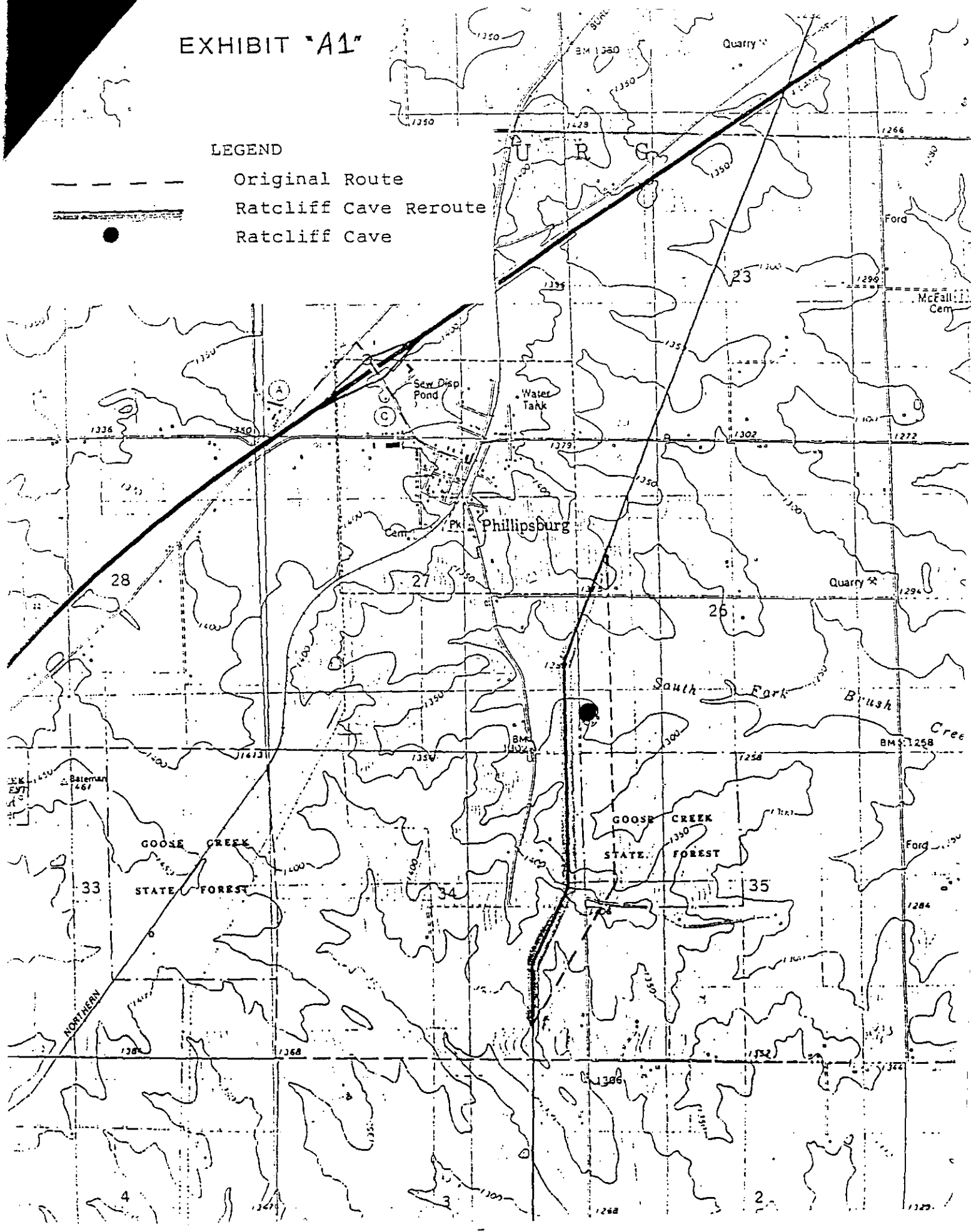
McClure, Chm., Mueller, Rauch,  
and Perkins, CC., Concur.  
Kincheloe, C., Not Participating.

Dated at Jefferson City, Missouri,  
on this 19th day of February, 1992.

# EXHIBIT "A1"

## LEGEND

- Original Route
- Ratcliff Cave Reroute
- Ratcliff Cave





LEGAL DESCRIPTION OF PROPOSED LINE

(Ratcliff Cave Modification)

Beginning at the new proposed Marshfield #4 Substation site located in East Half of the Northwest quarter of the Southeast Quarter of Section 11, T-30-N, R-18-W, Webster County, thence East approximately 2.0 miles; thence North approximately 3/4 mile; thence Easterly approximately 1.75 miles to angle point in the SW 1/4 of Section 33, T-31-N, R-17-W; thence Northeasterly approximately 3.2 miles to angle point in the SE 1/4 of Section 15, T-31-N, R-17-W; thence Northerly approximately 8.9 miles to angle point in the SE 1/4 of Section 34, T-33-N, R-17-W; thence Northeasterly approximately 1/4 mile to angle point in the NE 1/4 of Section 34, T-33-N, R-17-W; thence Northerly approximately 0.5 miles to angle point in the SE 1/4 of Section 27, T-33-N, R-17-W; thence Northeasterly approximately 2.65 miles to the existing Huben Substation in the NE 1/4 of the NE 1/4 of Section 14, T-33-N, R-17-W, Laclede County, Missouri.

Exhibit A-2