

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of Union Electric       )  
Company for permission and authority to construct,       )  
operate, and maintain a 161 kilovolt (kv) transmission )  
line in Moniteau County and Cole County, Missouri.       )

CASE NO. EA-91-19

APPEARANCES: Steven R. Sullivan, Attorney at Law, P. O. Box 149 M.C. 1310  
1901 Chouteau Avenue, St. Louis, Missouri 63166 for  
Union Electric Company.

Ronald J. Prenger, Attorney at Law, 200-A East High Street,  
Jefferson City, Missouri 65101, for Francis J. Lehman.

Lewis R. Mills, Jr., First Assistant Public Counsel,  
P. O. Box 7800, Jefferson City, Missouri 65102,  
for the Office of the Public Counsel and the Public.

William K. Haas, Assistant General Counsel, P. O. Box 360,  
Jefferson city, Missouri 65102, for the Staff of the  
Missouri Public Service Commission.

HEARING  
EXAMINER: Michael F. Pfaff

REPORT AND ORDER

Procedural History

On July 25, 1990, Union Electric Company (Applicant or UE) applied for a Commission order authorizing UE to construct, operate and maintain a 15.2 mile 161 kv electric transmission line in Moniteau and Cole Counties, Missouri. A portion of said line lies within UE's existing service area; the remainder of the proposed line lies outside Applicant's service area.

On August 8, 1990, the Commission issued an Order And Notice apprising various electric cooperatives, AT&T, the Cole County Cable Company and the County Commissions of Cole and Moniteau Counties, Missouri, of UE's application. The aforementioned Order And Notice established a thirty-day intervention period to

September 7, 1990. On August 16, 1990, UE filed a "Certificate of Service" which contained the following: (a) a copy of a certified letter dated August 14, 1990 sent to landowners over whose property the proposed line was to be constructed, (b) a four-page list identifying the property owners who received the certified letter shown at (a), above, and (c) a certified copy of the Commission's Order And Notice, mentioned above.

On August 28, 1990, UE filed a request for a prehearing conference. On September 5, 1990, Staff counsel and the Office of the Public Counsel responded favorably to UE's request.

An application to intervene by Francis Lehman, an affected landowner, who opposed the construction of a substation on his property, was filed on September 7, 1990; the Commission granted same on September 14, 1990. By Orders dated September 11 and and September 20, 1990, the Commission established a prehearing and a procedural schedule providing, inter-alia, for a hearing before the Commission on November 19, 1990.

#### Findings of Fact

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

Following the timely submission by all parties of direct and rebuttal evidence, this matter came to hearing on November 19, 1990. Applicant and Intervenor then advised the Commission that they were very near an agreement regarding an alternative site for that portion of Applicant's line and substation on Intervenor Lehman's property.

All parties then proposed essentially as follows: that all filed evidence be admitted, that cross-examination be waived, and that failing an agreement between

Intervenor and UE, the Commission would enter an order based on the record before it. The Commission agreed and asked to be advised whether the proposed alternative site was acceptable to Staff and Public Counsel, and to be apprised when, and if, Intervenor Lehman and UE reached agreement.

On January 16, 1991, UE filed a pleading titled "Applicant Union Electric's Notice of Resolution of Outstanding Disputed Issues" which evidences an agreement between UE, Intervenor Lehman and other parties who are not intervenors in this case, whereby UE will construct the substation at alternate site two, as described in Applicant's rebuttal testimony. On January 18, 1991, Intervenor Lehman dismissed his intervention, reciting the aforementioned agreement with Applicant.

Having heard no objections from Staff or the Office of Public Counsel, and being advised by Staff that said transmission line is necessary to serve the public, the Commission finds that the proposal by Applicant UE to construct, operate and maintain the proposed 161 kv transmission line in Moniteau and Cole Counties, Missouri, is necessary and convenient for service to the public and herein authorizes same.

#### Conclusions of Law

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

That the Commission has jurisdiction over this matter by virtue of Section 393.170, RSMo 1986.

That the findings of fact made above support the authority herein given in that the grant of authority herein approved is both necessary to, and convenient for, providing reliable electrical service to the public.

#### IT IS THEREFORE ORDERED:

1. That Union Electric Company is hereby authorized to construct, operate and maintain the 161 kv transmission line identified in the exhibits, maps and filed

testimony made herein; that said authority includes the Commission's authorization to construct a portion of said line and a substation on property owned by Francis J. Lehman pursuant to the agreement between Union Electric Company and Francis J. Lehman, as indicated by this Report and Order.

2. That this Report and Order shall become effective on February 18, 1991.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,  
McClure and Letsch-Roderique, CC.,  
Concur.

Dated at Jefferson City, Missouri,  
on this 8th day of February, 1991.