

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) Case No. EA-91-159
approximately 35.2 miles of electrical)
transmission lines in Camden, Dent,)
Webster and Laclede Counties in Missouri.)

APPEARANCES: Rodric A. Widger, Stockard, Andereck, Hauck, Sharp & Evans,
 301 East McCarty Street, P.O. Box 1280, Jefferson City,
 Missouri 65102
 Robert Hack, Assistant General Counsel, Missouri Public
 Service Commission, P.O. Box 360, Jefferson City, Missouri
 65102

HEARING
EXAMINER: Janet L. Sievert

REPORT AND ORDER

On October 18, 1990, Sho-Me Power Corporation (Sho-Me) filed an application for certificate of public convenience and necessity to build approximately 35.2 miles of electrical transmission lines in Camden, Dent, Webster and Laclede Counties in Missouri. Applicant seeks authority to construct three separate electric transmission line segments. They are as follows: 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 line," and 20 miles of 161 kv line in Webster and Laclede Counties referred to as "Huben to Marshfield #4." The application was amended to include the construction of a substation near Roach, Missouri.

On October 26, 1990, the Commission issued its order and notice providing proper persons an opportunity to intervene in this matter. Timely applications to intervene were submitted. The Commission issued its order

granting intervention on December 5, 1990. 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 line.

On February 22, 1991, the Commission granted Sho-Me's motion to sever the Huben to Marshfield #4 line from the other two lines. Additionally, the Commission established a procedural schedule for the Huben to Marshfield #4 line.

On March 22, 1991, Staff filed a memorandum recommending the Commission grant the application as amended for the Salem #4 to Darien (Salem Line), Roach to Junction with Tunnel Dam - Macks Creek Line (Macks Creek Line), and Roach Substation, as set forth in the legal description attached hereto as Attachment 1.

Findings of Fact

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

Sho-Me is a public utility corporation organized and existing under the laws of the State of Missouri, Chapter 351, RSMo 1986, for the purpose of operating, generating, transmitting, distributing and selling power and energy and is now so engaged by authority of the Commission. On October 18, 1990, Sho-Me filed an application pursuant to Section 393.170, RSMo 1986 requesting a certificate of public convenience and necessity to construct two separate transmission lines; 10.2 miles of 69 Kv line in Dent County referred to as Salem #4 to Darien (Salem Line); and 5 miles of 69 Kv line in Camden County referred to as Roach to Junction with Tunnel Dam - Macks Creek (Macks Creek Line). On March 22, 1991, Sho-Me filed an amendment to its application requesting

authority to construct a substation (Roach Substation) located near Roach in Camden County.

On March 6 and 7, 1991, Staff inspected the proposed centerline for construction of the Salem Line and Macks Creek Line. Sho-Me provided aerial photos of the proposed routes. Sho-Me supplies wholesale electric service to a municipal system operated by the City of Salem and to Intercounty Electric Cooperative (Intercounty), a distribution cooperative that serves in this area. In 1984, in Case No. EA-84-167, the Commission authorized the construction of a 69 kv line from Salem #3 Substation to Salem #4. This length of line (Salem #3 to Salem #4) and Salem #4 Substation were planned to meet the additional load requirements of Intercounty. With the completion of the proposed line to Darien, there will be an alternative route between Salem #3 and Darien. The alternate route will allow greater flexibility and reliability for electric service in Dent County. The proposed 69 kv transmission line will connect Salem #4 with Darien on a path of approximately 10.2 miles.

The proposed Salem Line crosses grassland and wooded areas on a route that was selected to avoid existing homes. The route is designed to be the shortest distance with a minimum of angles to minimize the cost of construction.

The Macks Creek Line and the Roach Substation are needed to provide an additional delivery point for Southwest Electric Cooperative (Southwest). Sho-Me provides wholesale power to Southwest so it can serve retail customers. Sho-Me provides the transmission facilities and substation. Southwest builds the necessary distribution lines. The Roach Substation will allow Southwest to provide better service to its customers and to provide for expected load growth in the area west of the Lake of the Ozarks and along Highway 54.

The route for the proposed Macks Creek Line crosses very rugged terrain that has very little development. The proposed Roach Substation site is

next to Highway 54 on the south side of the highway. The proposed route for the Macks Creek Line (approximately 5 miles in length) travels in a southwesterly direction from the substation site and intersects with an existing 69 kv transmission line. Alternative routes to the existing transmission line appear shorter, but lake or river crossings will be necessary. The route was selected to minimize the cost of construction and to avoid existing homes.

Staff has reviewed the aerial photographs of the proposed routes and has made on-site inspections. Staff has no objection to the Salem Line, Macks Creek Line and Roach Substation as proposed in Sho-Me's amended application. Staff, therefore, recommends that the application as amended be approved and that Sho-Me be granted a certificate of public convenience and necessity to construct said lines and substation.

No party filed a response to Staff's recommendation.

The Commission has considered Staff's recommendation and finds that the authority requested for the Salem Line, Macks Creek Line and Roach Substation will be granted. The Salem Line will provide greater flexibility and reliability for electric service in Dent County. The Macks Creek Line and Roach Substation will provide an additional delivery point for Southwest.

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 application is filed pursuant to Section 393.170, RSMo 1986 providing that no electrical corporation shall begin construction without first having obtained the permission and approval of the Commission. Section 393.170 further provides that the Commission shall approve such application after due

hearing determines that such construction is necessary or convenient for the public service. Based upon the findings made above, the Commission determines that the lines and substation approved in this order are necessary and convenient for the public service.

The requirement for a hearing contained in Section 393.170 has been met when the opportunity for a hearing is provided and no proper party requests the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. PSC*, 776 S.W.2d 494, 496 (Mo. App. 1989). Notice was given in this matter and no person sought intervention or hearing. The Commission concludes that no hearing is necessary and will base its findings on the verified statement of Sho-Me and Staff's memorandum.

IT IS THEREFORE ORDERED:

1. That Sho-Me Power Corporation be hereby granted a certificate of convenience and necessity to build the lines and substation as described in Attachment 1.

2. That this order shall become effective on the date hereof.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Mueller, Rauch and McClure,
CC., Concur.
Steinmeier, Chm., Absent.
Perkins, C., Not participating.

Dated at Jefferson City, Missouri,
on this 16th day of April, 1991.

ATTACHMENT 1

LEGAL DESCRIPTION OF PROPOSED SALEM LINE

Beginning at applicant's existing Darien Substation located in Northeast Quarter of the Southwest Quarter of Section 4, T-32-N, R-6-W, Dent Co., Mo. thence East approximately 500 feet, thence Northeasterly approx. 8 miles, thence approx. 1 mile North to the Salem #4 Substation site located in the West Half of the Southwest Quarter of Section 28, T-34-N, R-5-W in Dent County.

LEGAL DESCRIPTION OF PROPOSED MACKS CREEK LINE AND ROACH SUBSTATION

Beginning at a junction point on the existing 69 KV line from Macks Creek - Tunnel Dam Line, Junction located in the Southwest Quarter of the Northwest Quarter of Section 14, T-37-N, R-16-W, Camden County, thence Northeasterly approx. 4.0 miles, thence North approx. 1 mile to the new proposed Roach Substation site, located in the Northeast Quarter of the Southwest Quarter of Section 32, T-38-N, R-17-W.