

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 10th
day of February, 1995.

In the matter of the application of Kansas City Power)
& Light Company for a certificate of convenience and 0
necessity authorizing it to reroute a 69 kv trans-)
mission line which it owns and operates in a portion) **Case No. EA-94-359**
of the territory served by Independence Power & Light)
in Jackson County, Missouri.)
)

ORDER GRANTING CERTIFICATE

On May 26, 1994, Kansas City Power & Light Company (Applicant or KCPL) filed an application with the Commission seeking a certificate of convenience and necessity authorizing Applicant to construct, own, operate and maintain a 69 kv transmission line within territory served by the City of Independence Power & Light Department, a municipal utility located in Jackson County, Missouri. On December 15, 1994, Applicant filed an amended application. The proposed route of the transmission line reflected in the amended application differs from the proposed route reflected in Applicant's May 26, 1994, application.

On January 12, 1995, the Commission issued a second Order And Notice due to the changes in the proposed route, which allowed for the filing of applications for intervention on or before February 1, 1995. On January 23, 1995, The City of Kansas City, Missouri (the City) filed an Application To Intervene. On January 24, 1995, the City filed a Withdrawal Of Application To Intervene. In its Withdrawal, the City states that since filing its Application To Intervene, counsel for the City discussed the issue with counsel for Applicant. After gaining a full understanding of the historical events leading to the application, the City no longer believes intervention is necessary, and

believes that intervention may be contrary to the public interest. No application for intervention other than the City's was filed.

On February 3, 1995, the Staff of the Commission (Staff) filed a memorandum recommending that the Commission approve KCPL's application. Staff stated that the line relocation will result in neighborhood aesthetic improvements, since the line will go behind instead of in front of existing homes and will get further away from the homes as it progresses south on Highway 291. Staff further states that from an engineering/construction/maintenance standpoint, the entire line will be consistent rather than having a different, inconsistent short section. The Staff is of the opinion that the amended application is in the public interest and should be granted. The Staff recommends that the Commission grant to KCPL a change in the certificate of convenience and necessity authorizing KCPL to construct, own, operate, and maintain a 69 kv transmission line as described in the amended application, and that the Commission revoke that portion of the 1947 line certificate which is inconsistent with the amended application, as KCPL requests.

On February 8, 1995, KCPL filed a letter with the Commission stating that KCPL requests and/or consents to a waiver of the ten (10) day period for the effective date on the Commission's order in this matter.

Upon review of KCPL's application, KCPL's amended application, and Staff's memorandum, the Commission finds that granting the requests contained in the amended application is in the public interest and required by the public convenience and necessity because it is in the public interest to allow KCPL to upgrade its transmission lines to ensure the provision of safe and reliable electric service. The approval of KCPL's request for the issuance of a certificate of convenience and necessity, to permit KCPL to reroute a portion of this 69 kv transmission line should remedy the departure of the 69 kv transmission line from the line certificate originally issued for this line on

December 17, 1947, in Case No. 11,231. The Commission finds that a portion of the line certificate originally issued for this line on December 17, 1947, in Case No. 11,231 is not entirely consistent with the current proposal contained in KCPL's amended application. The Commission will revoke that portion of the line certificate granted to KCPL in Case No. 11,231 which is not consistent with KCPL's current proposed electric transmission line route as shown in its amended application. Thus, the Commission determines that the request by KCPL in its amended application should be granted.

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 Commission will grant KCPL's request based upon the evidence which has been provided by verified statement. *State ex Rel. Deffenderfer Enterprises, Inc. v. P.S.C.*, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Kansas City Power & Light Company is hereby granted a certificate of convenience and necessity to construct, own, operate and maintain a 69 kv transmission line in a portion of the City of Independence Power & Light Department's service territory in Jackson County, Missouri, as described in its amended application.

2. That the Commission hereby revokes that portion of the 1947 line certificate which is not currently used by Kansas City Power & Light Company, and which related to that portion of the line continuing south and east of Sub H, as described in Schedule B-1 attached to Kansas City Power & Light Company's amended application.

3. That nothing in this order shall be considered as a finding by the Commission as to 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 Kansas City Power & Light Company.

4. 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 the resulting cost of service in any later proceeding.

5. That this order shall become effective on the 15th day of February, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
Kincheloe and Crumpton, CC., concur.