

**Ameren Services**  
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efitzhenry@ameren.com

One Ameren Plaza  
1901 Chouteau Avenue  
PO Box 66149  
St. Louis, MO 63166-6149  
**314.621.3222**

August 1, 2003

**VIA FEDERAL EXPRESS**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED**

**AUG 04 2003**

Missouri Public  
**Service Commission**




Re: Matthews-East Prairie Line

Dear Mr. Roberts:

Enclosed for filing on behalf of Union Electric Company, d/b/a AmerenUE, please find an original and eight (8) copies of its: 1) **Application** 2) **Motion to Admit Pro Hac Vice** and 3) **Entry of Appearances for Edward C. Fitzhenry and Joseph H. Raybuck.**

Kindly acknowledge receipt of this filing by stamping a copy of the enclosed letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

  
Edward C. Fitzhenry  
Associate General Counsel

ECF/acs  
Enclosures

cc: Missouri Public Service Commission  
Office of the Public Counsel

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED**

AUG 04 2003

Missouri Public  
Service Commission

Application of Union Electric Company     )  
For Permission and Authority to            )  
Construct, Operate, Own and Maintain a    )  
34.5 kilovolt Distribution Line in New       )  
Madrid County, Missouri and Mississippi   )  
County, Missouri ("Matthews-East Prairie   )  
Line")

Case No. \_\_\_\_\_

**APPLICATION**

**COMES NOW** Union Electric Company, doing business as AmerenUE ("Applicant" or "AmerenUE"), and submits its Application pursuant to Section 393.170, RSMo. 2000 for permission and authority to construct a 34.5 kilovolt ("kV") line. Applicant requests that the Missouri Public Service Commission ("Commission" or "MPSC") issue an order by November 1, 2003, in order to ensure the timely implementation of the proposed line and to provide reliable service to Applicant's customers. In support of this Application, AmerenUE states as follows:

1. Applicant is a Missouri corporation doing business under the fictitious name of AmerenUE, in good standing in all respects, with its principal office and place of business located at 1901 Chouteau Avenue, St. Louis, Missouri 63103. Applicant is engaged in providing electric and gas services in portions of Missouri as a public utility under the jurisdiction of the Commission. Applicant is also engaged in providing electric and gas service in portions of Illinois. There is already on file with the Commission a certified copy of Applicant's Articles of Incorporation and Certificate of Corporate Good Standing (see MPSC Case No. EF-2003-0514), and Applicant's Fictitious Name Registration as filed with the Missouri Secretary of State's Office (See MPSC Case No. GO-98-486), and said documents are incorporated herein by reference and made a part hereof for all purposes.

2. Communications with regard to this Application should be directed to:

Edward C. Fitzhenry  
Associate General Counsel  
Ameren Services Company  
1901 Chouteau Avenue  
P.O. Box 66149  
St. Louis, MO 63166-6149  
314-554-3533 (phone)  
314-554-4014 (fax)  
[efitzhenry@ameren.com](mailto:efitzhenry@ameren.com)

Joseph H. Raybuck  
Managing Assistant General Counsel  
Ameren Services Company  
1901 Chouteau Avenue  
P.O. Box 66149  
St. Louis, MO 63166-6149  
314-554-2976 (phone)  
314-554-4014 (fax)  
[jraybuck@ameren.com](mailto:jraybuck@ameren.com)

3. The 34.5 kV line that Applicant proposes to construct, operate, own and maintain will be approximately 12.6 miles in length. The proposed line will begin at a point from Matthews Substation in New Madrid County to East Prairie Main Substation in Mississippi County. Approximately 5.5 miles of the proposed line is outside of Applicant's certified service area. The legal description for the proposed line outside Applicant's certified service area is set forth in Exhibit 1 which is attached hereto and made a part hereof. The Application seeks approval for only the portion of the line outside of Applicant's service area. State ex rel. Harline v. PSC, 343 S.W.2d 177 (Mo. 1960).

4. The route of the proposed line is shown on the drawing which is attached hereto, marked as Exhibit 2, and made a part hereof.

5. The proposed line will be constructed using single pole wood structures averaging 50 feet in height. No razing or demolition of any manmade structures is anticipated as a result of the construction.

6. The proposed line will be constructed in accordance with the requirements set forth in 4 CSR 240-18.010.

7. The estimated cost of the project, including the proposed line, right-of-way costs, and substation construction is \$2.9 million. Financing for the project will be from funds

available in Applicant's treasury, a portion of which may be obtained by new financing. The amount and nature of any new financing subject to the jurisdiction of the Commission will be submitted to the Commission for approval.

8. Copies of the franchises granting Applicant the right to erect, construct, operate and maintain one or more electrical lines upon, along, under, across and over public places within the Counties of Mississippi and New Madrid are attached hereto as Exhibit 3.

9. Electric and telephone utilities, in addition to companies having underground facilities as defined in Section 319.015, RSMo. 2000 whose facilities will be crossed by the proposed line in Missouri, are as follows: St. Johns Bayou Basin Drainage District, SEMO Electric Cooperative, and Southwestern Bell Telephone. Copies of letters from those companies waiving objection to the proposed construction are provided will be filed upon receipt.

10. This 34.5 kV circuit extension has multiple benefits that are necessary to comply with good utility practice. The chief benefit of this 34.5 kV circuit extension is a quick restoration of service during an outage of the major area supply 161-34.5 kV transformer near Charleston, Missouri. This transformer is part of the supply for the towns of Charleston, Anniston, East Prairie, and associated areas. An outage of this transformer would leave nearly 1,460 customers/households out-of-service for approximately a three-week window. The 1,460 customers/households is approximately 9,000 kVA, which corresponds to the electrical system limit.

The other benefit of this 34.5 kV circuit extension is associated with quick restoration of service for three separate overhead line outages. These three overhead lines are: a 161 kV 10.5 mile line from Miner, Missouri to Charleston, Missouri, a 34.5 kV 10.6 mile line from Charleston, Missouri to East Prairie, Missouri, and a 34.5 kV 16.0 mile line from Miner,

Missouri to Matthews, Missouri. During an outage of any one of these lines, nearly 1,460 customers/households may be without service during a 6 to 24 hours window. With this line extension, these customers would not be out of service for the above stated outages, and good utility practice will have been maintained.

11. The proposed line is scheduled to be placed in service in June, 2004. In order to meet the required in-service date, it is necessary that construction begin by November 1, 2003.

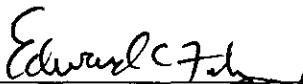
12. Applicant has given notice of the proposed line to affected public officials in the Counties of New Madrid and Mississippi, Missouri, and has discussed the matter with Commission Staff. Applicant has also notified all affected property owners of the proposed line.

13. To the best of AmerenUE's knowledge, it has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. In addition, AmerenUE has no annual report or assessment fees that are overdue.

WHEREFORE, Applicant prays that an order be issued by November 1, 2003, granting Applicant permission and authority to construct, operate, own and maintain the proposed 34.5 kV line in New Madrid County, Missouri, and Mississippi County, Missouri, and that the Commission make such other order or orders as it deems just and proper.

Signed at St. Louis, Missouri, this 1 day of August, 2003.

UNION ELECTRIC COMPANY  
d/b/a AmerenUE



Edward C. Fitzhenry

Licensed: State of Illinois

ARDC #6180218

Associate General Counsel

Ameren Services Company

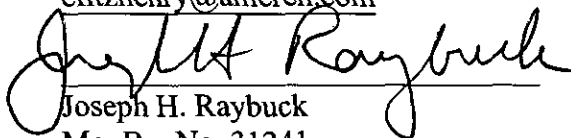
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Joseph H. Raybuck

Mo. Bar No. 31241

Managing Assistant General Counsel

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(314) 554-4014 (fax)

[jraybuck@ameren.com](mailto:jraybuck@ameren.com)

STATE OF MISSOURI                    )  
  ) SS.  
CITY OF ST. LOUIS                    )

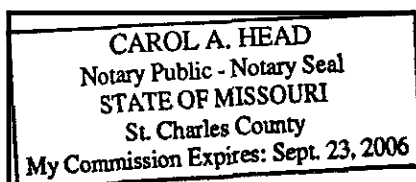
Edward C. Fitzhenry, of lawful age, being duly sworn, deposes and says that he is an attorney with Ameren Services Company, that he is duly authorized to and did sign said Application as an attorney on behalf of Union Electric Company d/b/a AmerenUE, that he has knowledge of the facts stated in the foregoing Application, and that said facts are true to the best of his knowledge, information and belief.

Edward C. Fitzhenry  
Edward C. Fitzhenry

Subscribed and sworn to before me this 1st day of August, 2003.

Carol A. Head  
Notary Public

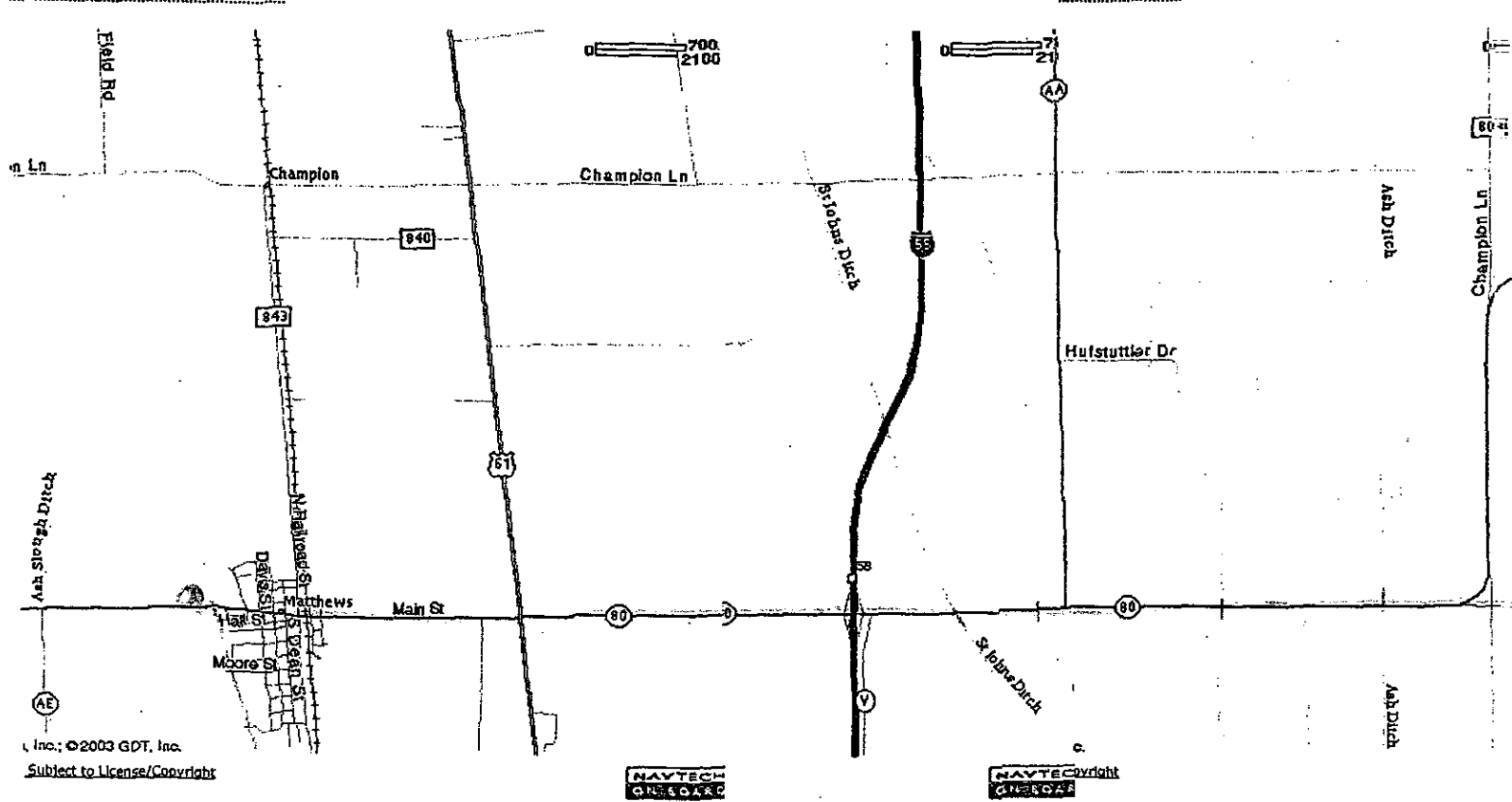
My Commission expires:



## **EXHIBIT 1**

Beginning in the Western ½ of the Southwest Quarter of Section 34, Township 25 North, Range 14 East, New Madrid County, Missouri from a point at the intersection of the East Line of Interstate Highway 55 and the North Line of State Highway 80; thence East and parallel to State Highway 80 through Sections 34, 35 and 36, Township 25 North, Range 14 East and continuing East and parallel to County Road 706 through Sections 31, 32 and part of 33, Township 25 North, Range 15 East to a point on the East Line of the Southwest Quarter of said Section 33, Township 25 North, Range 15 East, New Madrid County, Missouri.





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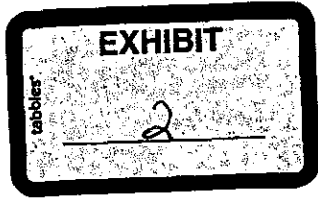
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State of Missouri, ss.  
County of New Madrid.

FILED  
F. H. G. R. 17  
Community Power & Light  
Franchise No. 42  
Missouri Utilities Co.

In the County Court of New Madrid County, Missouri.

August Term, A.D., 1923.

In the Matter of the Petition  
of Missouri Public Utilities  
Company, a corporation, for the  
right and permission to use the  
public roads of the county for  
pole line construction.

Come now Missouri Public Utilities Company, and respectfully shows to the court that it is a corporation organized and existing under the laws of the State of Missouri, for the purpose of manufacturing and selling electric current; and that in order to carry out the purposes for which it was incorporated it becomes necessary to erect and maintain pole lines, conduits, wires.

Your petitioner further states that it desires to extend its lines of wires into and through New Madrid County, Missouri, in order that it may be in a position to supply to the residents of said county its electricity for heating, lighting and power purposes; and that in so doing it will become necessary to use parts of the public highways in said county for the purpose of constructing and maintaining its electric wires, poles, and conduits.

Wherefore, your petitioner respectfully prays this court to grant unto it, its successors, licensees and assigns permission to use the said highways in and through said county for the purposes aforesaid.

Respectfully submitted,  
Missouri Public Utilities Company,  
By Chas. Benton

EXHIBIT

3

COUNTY COURT RECORD.

NEW MADRID COUNTY, MISSOURI.

Monday, August 6, 1923, the first day of the August Term, 1923.

In the matter of the petition  
of Missouri Public Utilities  
Company, a corporation for the  
right and permission to use the  
public roads of the county for  
pole line construction.

Now on this sixth day of August, A. D., 1923, the same being the first day of the regular August Term, 1923, of the County Court of New Madrid County, Missouri, comes the Missouri Public Utilities Company, a corporation, and presents its petition praying for an order of this court, granting to it the right and permission to establish and maintain along the public highways of said county its poles, wires, conduits, etc., for the purpose of transmitting thereby its electric current.

And now after the court has been fully advised in the premises, it is hereby ordered that the said petitioner, its successors, licensees and assigns, be and they are hereby granted the right and permission to use said highways for the purposes aforesaid.

It is further ordered that no poles shall be erected, or pipes, wires, conduits, etc, shall be erected or maintained so as in any manner to interfere with the ordinary public use of such roads or highways of this county, and that said petitioner, its successors, licensees and assigns shall at all times indemnify said county for all damages which said county may be compelled to pay by reason of the construction of the aforesaid instrumentalities.

9  
EXHIBIT

3

State of Missouri,      §  
County of New Madrid,    ss.

I, O. L. Jones, Clerk of the County Court within and for New Madrid County, Missouri, do hereby certify that the above and foregoing is a true and correct copy of the petition filed and the order and record of the County Court of my county in the matter of the petition of Missouri Public Utilities Company for permission to use the highways of New Madrid County, Missouri, for the purpose of erecting and maintaining its poles, wires, conduits, etc., as the same appears of record in the proceedings of said county court in Book \_\_\_\_\_ at page \_\_\_\_\_ thereof.

Witness my hand and the seal of the County Court of New Madrid County, Missouri, this sixth day of August, A.D., 1926.

O. L. Jones  
Clerk.

EXHIBIT

3

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COUNTY COURT RECORD.

NEW MADRID COUNTY, MISSOURI.

Monday, August 6, 1923, the first day of the August Term, 1923.

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And now after the court has been fully advised in the premises, it is hereby ordered that the said petitioner, its successors, licencees and assigns, be and they are hereby granted the right and permission to use said highways for the purposes aforesaid.

It is further ordered that no poles shall be erected, or pipes, wires, conduits, etc, shall be erected or maintained so as in any manner to interfere with the ordinary public use of such roads or highways of this county, and that said petitioner, its successors, licencees and assigns shall at all times indemnify said county for all damages which said county may be compelled to pay by reason of the construction of the aforesaid instrumentalities.

EXHIBIT

3

State of Missouri,        )  
                              )ss.  
County of New Madrid.    )

I, C.L.V. Jones, Clerk of the County Court within and for New Madrid County, Missouri, do hereby certify that the above and foregoing is a true and correct copy of the petition filed and the order and record of the County Court of my county in the matter of the petition of Missouri Public Utilities Company for permission to use the highways of New Madrid County, Missouri, for the purpose of erecting and maintaining its poles, wires, conduits, etc., as the same appears of record in the proceedings of said county court in Book 15, at page 574 thereof.

Witness my hand and the seal of the County Court of New Madrid County, Missouri, this sixth day of August, A.D., 1923.

C.L.V. Jones

Clerk.

EXHIBIT

3

KNOW ALL MEN BY THESE PRESENTS: MISSOURI PUBLIC UTILITIES

COMPANY, a corporation organized and existing under the laws of the State of Missouri, party of the first part, does hereby sell, assign, transfer and set over unto the PUBLIC SERVICE COMPANY OF MISSOURI, a corporation likewise organized and existing under the laws of the State of Missouri, party of the second part, all and singular its right, title and interest in and to certain franchises, privileges and immunities belonging to or held or enjoyed, or entitled to be held or enjoyed by the said MISSOURI PUBLIC UTILITIES COMPANY in connection with its plant and facilities in the entire County of Mississippi State of Missouri for and in consideration of One (\$1.00) Dollar to it in hand paid by the party of the second part and other good and valuable consideration, the receipt of which is hereby acknowledged.

This assignment and transfer includes among the rights, privileges and immunities, the right of the grantor in and to franchises heretofore granted as follows:

Franchise order or County permit to Southeast Missouri Ice, Light and Power Company by order of the Mississippi County Court, in the August term 1916, on the 5th day of August, 1910.

Franchise order or County permit to Missouri Public Utilities Company by order of the Mississippi County Court, in the May term, 1913, on the 5th day of May, 1913.

City of Charleston, Mississippi County, Franchise Ordinance to Southeast Missouri Ice Light and Power Company, passed and approved January 20th, 1908.

City of East Prairie, Mississippi County Franchise Ordinance to Southeast Missouri Ice, Light and Power Company, passed and approved June 10th, 1910.

City of East Prairie, Mississippi County, Franchise Ordinance #20 to Missouri Public Utilities Company passed and approved March 22nd, 1915.

This conveyance and assignment has been expressly authorized by order of the Public Service Commission of Missouri.

EXHIBIT

3



IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed in its behalf by its President and its corporate seal to be hereunto affixed and attested by its Secretary this 19<sup>th</sup> day of February, 1925.

MISSOURI PUBLIC UTILITIES COMPANY,

By James A. Egan  
President.

Attest:

W. Spachner  
Secretary.

EXHIBIT

3

STATE OF MISSOURI     )  
                              ) SS.  
CITY OF ST. LOUIS     )

On this 19th day of February, 1925, before me appeared Louis H. Egan to me personally known, who being by me duly sworn did say; that he is the President of Missouri Public Utilities Company, a corporation; and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Louis H. Egan acknowledged said instrument to be the free act and deed of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my notarial seal at the City of St. Louis on the day and year first aforesaid.

N. Paul Smith  
Notary Public.

My term expires Feb. 8, 1929.

EXHIBIT

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