

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

In the Matter of an Investigation into the)	
Siting and Safety of a Proposed Transmission)	<u>Case No. EO-2012-0271</u>
Line in Platte County, Missouri)	

**PUBLIC COUNSEL’S RESPONSE TO ORDER DIRECTING FILING AND
MOTION FOR LOCAL PUBLIC HEARING**

COMES NOW the Office of the Public Counsel and for its Response to Order Directing Filing and Motion for Local Public Hearing states as follows:

1. In response to concerns raised by landowners who might be affected by Kansas City Power & Light Company’s plans for a new 345-kilovolt electric transmission line, Public Counsel, on February 6, 2012, asked the Commission to open this case to investigate siting and safety concerns with respect to that line. In its Motion to Open and Investigation, Public Counsel noted that “Line 62” or “line segment 62” is the designation for the route under consideration that raised the concerns of a group of landowners and of the Platte County Commission. Since that time, it appears as though Line 62 has been chosen as the preferred route.

2. In response to Public Counsel’s motion, the Commission ordered KCPL and the Commission Staff to respond. KCPL begins its Response by noting that it has met with a lot of people generally about the proposed line, but does not specifically state how many of those meetings actually addressed the concerns raised by Line 62. KCPL states in its Response in Paragraph 2 that it “has responded to the letter from the attorney for the Concerned Citizens

Group.”¹ KCPL did not attach a copy of its letter responding to the landowners’ concerns, and so provides the Commission with no assurance that those concerns are being adequately addressed. In fact, KCPL’s response consists of nothing more than a vague acknowledgement that it is aware of concerns. There is no discussion of whether KCPL believes that there is any merit or validity to any of the concerns raised. Moreover, there is absolutely no discussion of what steps – if any – KCPL is taking or plans to take to address these concerns, other than a vague commitment “to continue to work to mitigate² the concerns.” The Commission should not be satisfied with KCPL’s response.

3. The Staff, on February 27, filed its Recommendation regarding Public Counsel’s motion to open an investigation. Staff’s recommendations, stated several times in its Memorandum and cover pleading, are that:

[T]he Commission keep File no. EO-2012-0271 open but limit its investigation at this time as follows:

- 1) Order the Companies to file quarterly updates that include at a minimum:
 - a) The progress of the planning, design and construction of the proposed transmission line;
 - b) Any additional information that addresses the safety issues raised in OPC’s Motion, and safety issues otherwise raised in File No. EO-2012-0271;
 - c) The status of the ownership of the line; and
 - d) A summary of the Companies contact with the public during the previous quarter.
- 2) Order the Companies to continue “the two-way communication, feedback, on-site visits and other meetings” discussed in the Companies’ Response since this is a more direct way to address concerns of the public and should continue throughout the planning, design, and construction process.
- 3) Explicitly recognize in its Order the commitment of the Companies to work to mitigate the concerns raised by landowners, including those memorialized by the Platte County Commission’s Resolution 2012-RES-07.

¹ KCPL’s response is somewhat disingenuous in this regard: Public Counsel understands that the KCPL Response was filed in EFIS well before the concerned landowners’ attorney received the referenced response.

² “Mitigate” is a fairly weak verb. It does not mean “to resolve” or even “to adequately address;” it simply means “to make less severe.”

4. Public Counsel agrees with these recommendations,³ but Public Counsel also requests that the Commission schedule a local public hearing to take testimony from interested members of the public on the proposed line, and order KCPL to specifically respond to any such testimony. At this point, the Commission only has allegations of concerns and a very vague response from KCPL. Testimony and a detailed verified response will give the Commission a much clearer picture of what the concerns are, and what (if anything) KCPL intends to do in response. Public Counsel suggests that the Commission order KCPL, Staff and Public Counsel to propose date(s) and location(s) for a local public hearing in the vicinity of Line 62.

WHEREFORE, Public Counsel respectfully submits this response to the Commission's February 28 Order Directing Filing and respectfully requests that the Commission order KCPL, Staff and Public Counsel to propose date(s) and location(s) for a local public hearing in the vicinity of Line 62.

Respectfully submitted,

OFFICE OF THE Public Counsel

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³ At this time; as more information becomes available, a more active role for the Commission may be appropriate. Indeed, depending on the ownership of the line, it may be that a more active role for the Commission (ruling on an application for a Certificate of Convenience and Necessity) is legally required.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 9th day of March 2012:

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