

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 27<sup>th</sup> day of  
March, 2013.

In the Matter of the Joint Application of Entergy Arkansas, Inc., )  
Mid South TransCo LLC, Transmission Company Arkansas, )  
LLC and ITC Midsouth LLC for Approval of Transfer of Assets ) **File No. EO-2013-0396**  
and Certificate of Convenience and Necessity, and Merger and, )  
in connection therewith, Certain Other Related Transactions )

**ORDER GRANTING APPLICATIONS TO INTERVENE AND DENYING  
MOTIONS TO LIMIT THE SCOPE OF THE PROCEEDINGS**

Issue Date: March 27, 2013

Effective Date: March 27, 2013

**Requests to Intervene**

The Empire District Electric Company, the Missouri Joint Municipal Electric Utility Commission, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company all filed timely applications to intervene. On March 7, 2013, the Applicants<sup>1</sup> challenged the adequacy of the applications and requested the Commission to direct those entities to specifically identify the issue or issues related to what the Applicants termed as being the limited scope of this proceeding which are of concern to them.<sup>2</sup> Consequently, the Commission directed the applicants to file more definite statements, articulating, with particularity, what their interests were in this matter. The intervenors complied and provided extensive explanations of the interests they believe are at stake in this proceeding. Contrary to Applicants' assertions, the issues raised by the intervenors must be evaluated to determine

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<sup>1</sup> Entergy Arkansas, Inc., Mid South TransCo LLC, Transmission Company Arkansas, LLC and ITC Midsouth LLC.

whether the proposed transfer of assets is detrimental to the public interest, and whether the request for a certificate of convenience and necessity is in the public interest.

The Commission finds that the applications, as supplemented by the intervenors, satisfy the requirements of its rule on intervention. Consequently, the Commission will grant the applications.

### **Motion to Limit the Scope**

On March 7, 2013, ITC Midsouth L.L.C. filed a motion to limit the scope of this proceeding. ITC Midsouth outlines what it believes the issues should be limited to when it states:

This matter only concerns the specific issues presented in the Joint Application, which involve whether Entergy Arkansas, Inc.'s limited transmission assets in Missouri that were the recent subject of File No. EA-2012-0321 can be ultimately transferred to an affiliate of ITC Midwest LLC, which already operates in Missouri with certificate issued in File No. EO-2007-0485, and related changes to and/or issuance of certificates of convenience and necessity and waivers.

Similarly, on March 7, 2013, Entergy Arkansas, Inc., Mid South TransCo L.L.C., Transmission Company Arkansas, L.L.C. (collectively "EAI Applicants") filed a motion to limit the scope of this proceeding stating:

EAI Applicants oppose any attempt by a party seeking intervention in this matter to expand the scope of this proceeding to include FERC-jurisdictional matters or matters pertaining to facilities issues in other states which are beyond this Commission's jurisdiction and which are clearly outside the four corners of the Joint Application.

The EAI applicants seek an order from the Commission "affirming that the Commission will not address issues relating to EAI's integration into MISO."

The Commission is fully capable of determining what information is relevant to its decision in this matter. Procedural due process protections are already in place to guard

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<sup>2</sup> The Commission makes clear that it is not stating or otherwise implying there is a limited scope to this proceeding.

against the consideration of irrelevant evidence, meritless arguments, or issues outside the jurisdiction of this Commission. The Commission need not artificially limit the scope of these proceedings; an action which might in itself bring about the consequences the Applicants seek to avoid, i.e. namely delay and increased cost of litigation. Consequently, the Commission will deny the motions.

**THE COMMISSION ORDERS THAT:**

1. The Empire District Electric Company's application to intervene is granted.
2. The Missouri Joint Municipal Electric Utility Commission's application to intervene is granted.
3. Kansas City Power & Light Company's application to intervene is granted.
4. KCP&L Greater Missouri Operations Company's application to intervene is granted.
5. The Applicants' motions to limit the scope of this proceeding are denied.
6. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Shelley Brueggemann  
Acting Secretary

R. Kenney, Chm., Jarrett, Stoll, and  
W. Kenney, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge