

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
April 18, 2002**

**CASE NO: EA-2002-296**

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**Presiding Commissioner**  
**Thomas M. Brandon**  
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Liberty, MO 64068

**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

Sincerely,



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office in  
Jefferson City on the 18th day of  
April, 2002.

In the Matter of the Application of IES )  
Utilities, Inc. for a Certificate of Public )  
Convenience and Necessity Authorizing )  
It to Construct, Install, Own, Operate, )  
Control, Manage, and Maintain Electric )  
Transmission Facilities in Clark County, )  
Missouri and Request for Waiver )

**Case No. EA-2002-296**

**ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY**

In this order, the Commission finds it is necessary and convenient for the public interest for IES Utilities, Inc. to construct and operate the transmission line as described in the application, and so grants IES a certificate of convenience and necessity.

On December 20, 2001, IES requested that the Commission issue it a certificate of convenience and necessity to construct and operate a transmission line in Clark County. Approximately nine miles of the proposed line would be in Missouri, but the line would not be used to serve any customers in Missouri. Rather, it would provide an alternate transmission source to serve the continued load growth in and around Keokuk, Iowa. IES stated that load studies have identified the need for additional transmission capacity to reliably serve its Iowa customers and it has concluded that this line is the best alternative.

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The proposed line would connect the Twin Rivers Substation in Keokuk, Iowa, to a new interconnection with an AmerenUE 161 kV transmission line near Wayland, Missouri.

On January 2, 2002, the Commission issued an order directing that notice be given to potentially interested entities, and allowing the opportunity to intervene. No entity requested intervention. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.<sup>1</sup> Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

On March 28, the Staff of the Commission filed its recommendation. Staff thoroughly analyzed the applicable law and concluded that the Commission does indeed have authority to require that IES obtain a certificate of public convenience and necessity. The Commission agrees with Staff's analysis, and finds that IES must have Commission approval before constructing and operating the proposed transmission line. Staff recommended that the Commission grant the requested certificate:

This proposed addition to the transmission system is necessary to provide reliable electric service to IES customers in the Keokuk, Iowa area. The Iowa Utilities Board previously found the need for the construction of a second transmission line into the Keokuk area to serve the growing electric load. The addition of this 161 kV transmission line will help ensure reliable electric service to the IES customers in Iowa. IES states that no Missouri customers will be served from this line. A majority of the proposed route of the transmission line will utilize an abandoned railroad right-of-way to minimize the impact on property owners in the area. This route provides the

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<sup>1</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

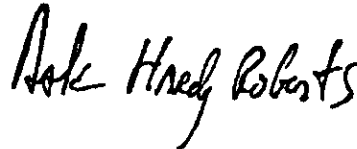
most economic alternative to meet the electric and reliability needs of the IES customers.

The Commission finds it is necessary and convenient for the public interest for IES to construct and operate the transmission line as described in the application, and so will grant a certificate of convenience and necessity.

**IT IS THEREFORE ORDERED:**

1. That IES Utilities, Inc. is granted a certificate of public convenience and necessity to construct, own, operate and maintain a transmission line in Clark County as described in its application filed on December 20, 2001.
2. That this order shall become effective on April 28, 2002.
3. That this case may be closed after April 29, 2002.

**BY THE COMMISSION**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

(S E A L)

Simmons, Ch., Murray, Lumpe and Forbis, CC., concur  
Gaw, C., dissents

Mills, Deputy Chief Regulatory Law Judge

ALJ/Secretary: Mills/Royce

4-15  
Date Circulated

EA-2002-296  
CASE NO.

KS  
Simmons, Chair

Am  
Murray, Commissioner

SZ  
Lumpe, Commissioner

7/16 BAO  
Gaw, Commissioner

DP  
Forbis, Commissioner

4-18  
Agenda Date

Action taken: 4-1 AS

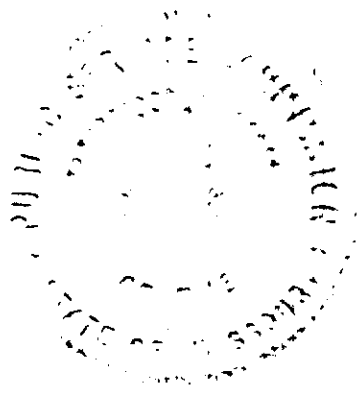
Must Vote Not Later Than \_\_\_\_\_

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 18<sup>th</sup> day of April 2002 .



Dale Hardy Roberts  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge