

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In The Matter of the Application of )  
KCP&L Greater Missouri Operations Company for )  
Permission and Approval and a )  
Certificate of Public Convenience and Necessity )  
Authorizing it to Acquire, Construct, Install, Own, ) **File No. EA-2011-0165**  
Operate, Maintain, and otherwise Control and )  
Manage Electrical Production and Related Facilities )  
in Certain Areas of Buchanan County, Missouri )  
Near the City of St. Joseph. )

## ORDER WAIVING NOTICE OF INTENT

Issue Date: January 10, 2011

Effective Date: January 10, 2011

The Missouri Public Service Commission is granting any necessary waiver of the notice of intent requirement because the applicant has shown good cause. The applicant requested a waiver ("motion") as part of the application.<sup>1</sup> No party has filed a response within the time provided by regulation.<sup>2</sup>

In the motion, the applicant seeks a waiver of the notice of intent requirement under 4 CSR 240-4.020(2) ("regulation"):

Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission.

(A) Any case filed which is not in compliance with this section shall not be permitted and the secretary of the commission shall reject any such filing.

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<sup>1</sup> Filed on December 7, 2010.

<sup>2</sup> 4 CSR 240-2.080(15).

(B) A party may request a waiver of this section for good cause.

Good cause means a good faith request for reasonable relief.<sup>3</sup>

In support of the motion, the applicant alleges that a 60-day waiting period before filing the application would interfere with the project described in the application. That allegation has evidentiary support in the affidavit accompanying the application. No party has disputed the applicant's allegations of good cause, contested the grant of a waiver, or sought relief based on the regulation. The applicant has shown good cause for a waiver. Therefore, the Commission will grant the motion.

**THE COMMISSION ORDERS THAT:**

1. The request for waiver is granted.
2. Any notice of intent requirement under 4 CSR 240-4.020(2) is waived.
3. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )



Steven C. Reed  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority under  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 10<sup>th</sup> day of January, 2011.

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<sup>3</sup> *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996).