

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of Aquila, Inc. for Permission)  
and Approval and a Certificate of Public Convenience and )  
Necessity Authorizing it to Acquire, Construct, Install, Own, ) **Case No. EA-2009-0118**  
Operate, Maintain, and Otherwise Control and Manage )  
Electrical Production and Related Facilities in Certain Areas )  
of Cass County, Missouri Near the City of Peculiar. )

### **ORDER DIRECTING NOTICE AND SETTING DATE FOR SUBMISSION** **OF INTERVENTION REQUESTS**

Issue Date: October 7, 2008

Effective Date: October 7, 2008

On September 30, 2008,<sup>1</sup> Aquila, Inc. d/b/a KCP&L Greater Missouri Operations Company ("Aquila") filed an application with the Missouri Public Service Commission, pursuant to Section 393.170, 393.171, RSMo 2000,<sup>2</sup> 4 CSR 240-2.060 and 4 CSR 240-3.105(1)(B) requesting that the Commission grant it a Certificate of Convenience and Necessity ("CCN") for two facilities previously approved by the Commission; (a) the South Harper power plant and related infrastructure and (b) the Peculiar 345 kV substation recently annexed by the City of Peculiar, both of which are located in Cass County, Missouri.

The Commission had previously concluded that Aquila had specific authorization to construct these facilities in its Order Clarifying Prior Certificates of Convenience and

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<sup>1</sup> All dates throughout this order refer to the year 2008 unless otherwise noted.

<sup>2</sup> All statutory references are to the Missouri Revised Statutes (2000), as amended, unless otherwise noted.

Necessity in Case No. EA-2005-0248, issued April 7, 2005. The Commission also granted a specific Certificate of Convenience and Necessity for these facilities in its Report and Order issued May 23, 2006 in Case No. EA-2006-0309. These orders were overturned by the courts after challenges; however, the Missouri General Assembly passed Senate Bill 720 granting the Commission authority for one year after the effective date of the bill to issue a certificate for facilities falling within its scope, which includes these Cass County facilities. The bill took effect on August 28, 2008.

The Commission finds that notice of this application should be given to the general public and interested parties and a date for intervention of proper parties should be set. The Commission's Data Center shall mail a copy of this notice to the County Commission of Cass County and to all parties who participated in Case Numbers EA-2005-0248 and EA-2006-0309. In addition, the Commission's public information officer shall make notice of this order available to the media serving Cass County and to the members of the General Assembly representing Cass County.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party or governmental entity is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary.<sup>3</sup>

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<sup>3</sup> *State ex rel. Deffenderfer v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo App. 1989).

**THE COMMISSION ORDERS THAT:**

1. The Missouri Public Service Commission's Data Center shall to serve notice as described in the body of this order.
2. The Missouri Public Service Commission's information officer is ordered to serve notice as described in the body of this order.
3. Any proper person wishing to intervene in this matter shall file an application no later than October 17, 2008. Such applications shall be filed with:

Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

with a copy served on:

Mr. Chris B. Giles  
Kansas City Power & Light Co.  
1201 Walnut Street  
Kansas City, MO 64106

and

Mr. Curtis D. Blanc  
Kansas City Power & Light Co.  
1201 Walnut Street  
Kansas City, MO 64106

and

Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102

4. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 7<sup>th</sup> day of October, 2008.