

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 14th day of
March, 2012.

In The Matter Of an Investigation into the)	
Siting and Safety of a Proposed Transmission)	File No. EO-2012-0271
Line in Platte County, Missouri)	

**ORDER DIRECTING FILING AND
DENYING MOTION FOR LOCAL PUBLIC HEARING**

Issue Date: March 14, 2012

Effective Date: March 14, 2012

The Missouri Public Service Commission is directing Kansas City Power & Light Company ("KCP&L") and KCPL Greater Missouri Operations ("GMO") to continue public discussion and file quarterly updates, as described below, and denying the motion for local public hearing. The Commission opened this file when the Office of Public Counsel ("OPC") filed a *Motion to Open Investigation*.¹ KCP&L and GMO filed a response² and Staff filed a recommendation.³ KCP&L and GMO filed a reply to the recommendation.⁴ OPC also filed a reply to the recommendation.⁵ The reply of OPC includes the motion for a local public hearing. Because the filings include no request for relief requiring a pre-decision evidentiary hearing, this action is not a contested case.

¹ On February 6, 2012.

² *Response to the Office of the Public Counsel's Motion to Open an Investigation*, filed on February 16, 2012.

³ *Staff Recommendation Respecting Office of Public Counsel's Motion to Open an Investigation*, filed on February 27, 2012.

⁴ *Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company's Response to Staff*, filed on March 12, 2012.

⁵ *Public Counsel's Response to Order Directing Filing and Motion for Local Public Hearing*, filed on March 12, 2012.

A. Safety and Other Matters Filed by Agreement

In the *Motion to Open Investigation*, OPC alleges safety issues related to a new 345-kilovolt transmission line (“Line 62”) from Iatan Generating Station near Weston, Missouri to Nashua Substation near Kansas City, Missouri. Specifically, OPC cites Line 62’s proximity to a petroleum transmission line. The Commission has authority to investigate, and order safety measures for, electrical transmission.⁶

Staff recommends that monitoring and periodic reporting will address the safety-related matters described in the *Motion to Open Investigation*. KCP&L and GMO also agree to continue public discussion as described below. OPC, while seeking a local public hearing to address those matters and other concerns, agrees with those terms.

Therefore, the Commission will issue this order in accordance with the agreement of OPC, KCP&L, GMO, and Staff.

B. Other Concerns and Local Public Hearing

OPC also alleges other “concerns” of landowners near Line 62, including the condition of soil, interference with farming technology, and prompt payment for easements. Those matters are not within the jurisdiction of the Commission under any authority cited in any filing. The Commission will not address those matters.

Also, in the *Motion to Open Investigation*, OPC’s own allegations describe how those concerns have already been addressed in an appropriate government forum by resolution:

The Platte County Commission unanimously passed a resolution (2012-Res-07) that formalizes the expectations that the Platte County Commission has KCPL with respect to the proposed route.⁷

⁶ OPC cites Sections 393.140(1) and (2) and 386.310.1, RSMo 2000.

⁷ *Motion to Open Investigation*, paragraph 2.

and in an appropriate non-government forum by workshops:

KCPL has conducted a number of public workshops to give information to, and receive information from, potentially effected landowners.⁸

Further, KCP&L and GMO explain that the workshops produced the resolution:

KCP&L has responded to landowner concerns in multiple ways. For example, in November 2010 and 2011, public meetings were held in Smithville, Camden Point and Dearborn where more than 300 individuals attended. From November 2010 to January 2011 small group and individual meetings were held with more than 100 individual stakeholders and representatives of more than 500 individuals. At a December 19, 2011 meeting at the Platte County Commission, the Company committed to continue to work to mitigate the concerns raised by landowners including those raised by the Concerned Citizens against Power Line 62 group. A copy of a resolution by the Platte County Commission memorializing this meeting is attached as Exhibit A. KCP&L met with many of the members of the Concerned Citizens group, both individually and in small groups and has responded to the letter from the attorney for the Concerned Citizens Group. The two-way communication, feedback, on-site visits and other meetings ["public discussion"] have been an extremely important part of the planning of the Iatan-Nashua transmission line project and the Company certainly respects the concerns of all stakeholders.⁹

OPC does not deny that allegation.

Finally, OPC argues that a local public hearing is necessary because of the vagueness of the filings:

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.¹⁰

⁸ *Motion to Open Investigation*, paragraph 1.

⁹ *Response to the Office of the Public Counsel's Motion to Open an Investigation*, paragraph 2.

¹⁰ *Public Counsel's Response to Order Directing Filing and Motion for Local Public Hearing*, paragraph 4.

The content of the *Motion to Open Investigation* determined the clarity required of any response, and was within the control of OPC. OPC does not argue that KCP&L and GMO's filings are non-responsive and a local public hearing is not a substitute for clarity in filings. OPC has not shown that a local public hearing is currently necessary or desirable so the Commission will deny the motion for a local public hearing.

C. Ruling

The reporting to which OPC, KCP&L, GMO, and Staff agree will provide the Commission with information on safety and other matters within the Commission's jurisdiction to regulate. The Commission will monitor those matters through Staff and deny OPC's motion for a local public hearing. The Commission will order reporting as to safety, and as to other matters to which OPC, KCP&L, GMO, and Staff agreed.

THE COMMISSION ORDERS THAT:

1. The motion for a local public hearing is denied.
2. Throughout the planning, design, and construction process of Line 62 (as described in the body of this order), Kansas City Power & Light Company ("KCP&L") and KCPL Greater Missouri Operations ("GMO") shall continue the "the two-way communication, feedback, on-site visits and other meetings" as described in KCP&L and GMO's *Response to the Office of the Public Counsel's Motion to Open an Investigation*, paragraph 2.
3. Beginning on March 30, 2012, KCP&L and GMO shall file quarterly updates that include at a minimum:

- a. The progress of the planning, design and construction of the proposed transmission line and any additional information that addresses the safety issues raised in this file;
 - b. The status of ownership of Line 62; and
 - c. A summary of KCPL's and GMO's contact with the public during the previous quarter.
4. The Commission's staff shall monitor the matters described in paragraph 3.
5. This order is effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett and Kenney, CC., concur.

Jordan, Senior Regulatory Law Judge