

**SUMMARY OF ELECTRIC GENERATING PLANT  
CERTIFICATE OF CONVENIENCE AND NECESSITY CASES**

**Union Electric Company**

**(1)** In *Re Union Electric Co.*, 17 Mo.P.S.C.(N.S.) 258, Case No. 17,509, Report and Order (1972), Union Electric Company (“UE”) filed an application for permission and authority to construct, operate and maintain a 43 megawatt oil-fired combustion turbine generating unit to be known as the Howard Bend generating unit in St. Louis County. The proposed construction, operation, and maintenance was found to be in the public interest by the Commission, and the permission and authority requested was granted.

**(2)** In *Re Union Electric Co.*, 15 Mo.P.S.C.(N.S.) 505, Case No. 17,139, Report And Order (1971), UE filed an application for permission and authority to construct, operate, and maintain a multi-unit steam electric generating plant within its service territory as established by the Commission in Case No. 3505 in Jefferson County, Missouri at UE’s Rush Island site. UE planned to install two generating units each with a capacity of 600 megawatts, with provisions for future installations of additional units. (First unit to be completed in May 1975 and second unit to be completed in May 1976.) Commission determined that the proposed construction, operation, and maintenance of the multi-unit steam electric generating plant was in the public interest and the permission and authority requested should be granted.

**(3)** In *Re Union Electric Co.*, 9 Mo.P.S.C.(N.S.) 62, Case No. 14,390, Report and Order (1960), UE application for permission and authority pursuant to Section 393.170 to construct, operate and maintain a pumped storage electric generating station in Reynolds County, Missouri to be known as its “Taum Sauk Plant.” It was noted that

Meramec Unit No. 4 was then under construction.) Commission held that the proposed construction was in the public interest and that the authority as requested was granted.

**(4)** In *Re Union Electric Light And Power Co. and Missouri Hydro-Electric Power Co.*, 17 Mo.P.S.C. 367, Case No. 6474, Report and Order (1929), Missouri Hydro-Electric Power Company (“Missouri Hydro”) applied for a Commission order authorizing it to sell and assign and Union Electric Light And Power Company (“UEL&P”) to purchase all of the licenses, franchises, properties, and rights of Missouri Hydro pertaining to and being a part of Federal Power License, Project No. 459, and UEL&P applied for a CCN for the construction, maintenance, and operation of the dam and power plant on the Osage River near Bagnell, Missouri in accordance with Federal Power License, Project No. 459 and certain transmission lines.

The Commission noted that Missouri Hydro by an Order dated January 26, 1926 had been granted a CCN for the proposed hydro-electric development, but the CCN may have expired under Section 10481 RSMo. 1919, the then predecessor section number for Section 393.170 RSMo. 2000, and UEL&P as a consequence applied for a new CCN. 17 Mo.P.S.C. at 369. (The only differences between Section 10481 RSMo. 1919 and Section 393.170 RSMo. 2000 are that the former is not divided into three subsections and the latter also covers sewer corporations and systems.)

Commission issued UEL&P the CCN and authorized Missouri Hydro to sell, assign, transfer, convey, and deliver its property, rights and franchises to Federal Power License, Project No. 459 to UEL&P. The right of way of the transmission lines had not been determined, so no Order could be made at the present regarding their construction.

(5) In *Re Missouri Power & Light Co.*, 18 Mo.P.S.C.(N.S.) 116, Case No. 17,737, Report And Order (1973) Application under Section 393.170 to construct, operate and maintain a 54 megawatt oil-fired combustion turbine generating unit to be installed at applicant's Fairgrounds Substation, Jefferson City, Mo. Commission found that MPL had complied with municipal requirements and found that it was in the public interest for MPL to proceed as planned.

### **Kansas City Power & Light Company**

(6) On August 22, 1973, in *Re Kansas City Power & Light Co. and St. Joseph Light & Power Co.*, Case No. 17,895, Report And Order (1973) (UnreportedCase), KCP&L and St. Joseph Light & Power Company ("SJL&P"), pursuant to Section 393.170, filed a joint application for separate CCNs from the Commission for (1) KCP&L and SJL&P to construct, own, operate, and maintain the Iatan steam electric generating station, wholly outside of KCP&L's certificated service territory, and partially outside of SJL&P's certificated service territory, and (2) KCP&L to construct, own, operate, and maintain a 345 kV transmission line for the transmission of electric power and energy from Iatan to KCP&L's Nashua substation, wholly outside of KCP&L's certificated service territory.

The Commission's Report And Order refers to Iatan station being a multi-generating unit site designed for four generating units to be constructed and operated by KCPL. The Report And Order indicates that only Iatan 1 and possibly Iatan 2 will be constructed in the immediate or near term future. The Report And Order states that "[l]ead time requirements are presently estimated for fossil-fuel generation at five years" (Report And Order, p. 6), and Iatan 1 is scheduled for completion and commercial operation by April 1, 1979 (*Id.* at 7). The Commission notes that "If KCPL's loads

exceed its estimate or if KCPL's Wolf Creek Unit scheduled for completion in 1981 is delayed, KCPL would be able to commence construction of Iatan Unit #2 as late as 1976 to provide additional capacity by 1981." (*Id.*). The Commission found that the construction of Iatan station and the 345 kV Iatan-Nashua transmission line were necessary and convenient for the public service, and that KCP&L and SJL&P should be granted separate CCNs as requested.

**(7)** On February 10, 1976, *Re Kansas City Power & Light Co. and St. Joseph Light & Power Co.*, Case No. 18,696, Report And Order (1976) (Unreported Case), KCP&L and SJL&P filed a joint application in Case No. 18,696 for a Supplemental CCN, pursuant to Section 393.170, sought to expand upon the original certificated area granted to them in Case No. 17,895 for the construction of Iatan Station and all facilities, equipment, and installations related thereto because the Missouri State Highway Department determined that the structure of the soil in the area of the railroad along the route originally approved by the Commission makes it unsuitable as a highway base material. April 10, 1976 Supplemental Application in Case No. 18,696 filed with Commission seeking approval to construct a railroad track at grade across a public road, near the Iatan Station plant site within the proposed expansion of the certificated area sought in Case No. 18,696. On May 5, 1976, the Commission issued a Report And Order in Case No. 18,696 granting a supplemental CCN authorizing the requested construction, operation, and maintenance of (1) rail access to the Iatan electric generating station and (2) a railroad grade crossing across a portion of the public road.

**(8)** In *Re Kansas City Power & Light Co.*, Case No. 13,058, Report And Order (1955)(Unreported Case), KCP&L filed an application for a CCN to construct, operate

and maintain a steam-electric generating station in Henry County, Missouri near Montrose, Missouri. Although the proposed Montrose generating station will be located outside of the service territory of KCP&L but in the service territory of Missouri Public Service Company ("MPS"), KCP&L intended to serve customers in KCP&L's service territory and not customers in MPS' service territory. Large coal deposits and reserves are within the vicinity of the generating station site. The first unit is to be ready for service in the spring of 1958 and the three subsequent units are scheduled for completion in 1959, 1962, and 1965, respectively. The Commission held that there was need for additional generating capacity to supply KCP&L's present and projected future requirements of its customers, the proposed construction would make available a substantial long-term economic source of electric power for its customers, and the location of lower cost fuel at the site of the station would inure to the benefit of KCP&L and its customers.

### **The Empire District Electric Company**

**(9)** In *Re The Empire District Electric Co.*, 17 Mo.P.S.C. 152, Case No. 5864, Report And Order (1928)(In the Matter of the Application of The Empire District Electric Company for Authority to Construct a Dam). Empire was granted a CCN for construction and operation of the Ozark Beach Dam in Taney County, Missouri and in connection therewith the construction of a power house and hydro-electric generating plant.

**(10)** In *Re Empire District Electric Co.*, 9 Mo.P.S.C.3d 136, Case No. EM-2000-145, Order Approving Application To Transfer Assets And Order Granting Certificate Of Convenience And Necessity (2000), Empire filed an application requesting permission

and authorization to sell and transfer an interest in certain assets at its State Line generating facility in Jasper County, Mo. to Westar Generating, Inc. (“WGI”) for the purpose of the construction of a 500 megawatt combined cycle generating station utilizing portions of the existing site and State Line Unit 2 to be jointly owned by it and WGI. One new combustion turbine (State Line Unit 3), two new boilers, a new steam turbine (Unit 4), and a new cooling tower are to be constructed at the site. The new boilers and steam turbine will use heat from the exhaust from two of the combustion turbines (existing Unit 2 and new Unit 3) to generate electric power and energy (“State Line Combined Cycle”). In *Re Westar Generating, Inc.*, 9 Mo.P.S.C.3d 136, Case No. EA-2000-153, Order Approving Application To Transfer Assets And Order Granting Certificate Of Convenience And Necessity (2000) WGI filed an application for a CCN to allow it to construct own, control, operate, and maintain electric production facilities in Jasper County, Missouri. WGI did not have any retail or other customers in Missouri. The Commission approved both applications finding that Empire’s application was not detrimental to the public interest and WGI’s application was necessary and convenient for the public service.

**(11)** In *Re The Empire District Electric Co.*, 21 Mo.P.S.C.(N.S.) 351, Case No. EA-77-38, Report And Order (1977), pursuant to Section 393.170 filed an application to acquire, construct, own, operate, maintain, remove, replace, and otherwise control and manage a 90 megawatt oil-fired internal combustion turbine with all facilities related thereto for the production of electric power and energy to be located in Jasper County, Missouri. The Commission appeared to believe that the CCN that Empire obtained in Case No. 9,420 authorized Empire to construct the Empire Energy Center:

Empire is now certificated by the Report and Order in Case No. 9,420 (Exhibit 3 herein) to construct, operate and maintain electric facilities and to render electric service in all unincorporated areas of Jasper County, Missouri, and certain other counties in Missouri. Upon advice from its legal counsel, Empire seeks to certificate a 90 megawatt oil-fired internal combustion turbine, with related facilities and equipment, for the production of electric power and energy near the confluence of the Spring River, the Missouri Pacific Railroad and the Explorer Pipeline in an unincorporated portion of eastern Jasper County. The proposed facilities and other facilities which may be added subsequently will be known as the Empire Energy Center.

21 Mo.P.S.C.(N.S.) at 352.

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Empire is a public utility subject to the jurisdiction of this Commission. This Commission is authorized to grant and Empire has voluntarily chosen to secure permission and authority prior to the commencement of construction of additional facilities pursuant to Section 393.170 V.A.M.S.

*Id.* at 355.

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. . . Inasmuch as Empire has submitted voluntarily to this Commission its application for authority to construct these facilities, notwithstanding its existing certificate of convenience and necessity under the Report and Order in Case No. 9,420, we choose to exercise our authority and jurisdiction and do not treat the issue respecting the efficacy of that certificate as authority for the facilities involved in this proceeding.

*Id.* The Commission issued Empire a CCN in Case No. EA-77-38 to acquire, construct, own, operate, maintain, remove, replace, and otherwise control and manage a 90 megawatt oil-fired internal combustion turbine with all facilities related thereto for the production of electric power and energy to be located in Jasper County, Missouri.

**(12)** In *Re Kansas City Power & Light Co., St. Joseph Power & Light Co., and The Empire District Electric Co.*, 22 Mo.P.S.C.(N.S.) 249, Case No. EM-78-277, Report And Order (1978), KCP&L and SJL&P sought an adjustment in the existing ownership interests in Iatan generating station, approving the sale by KCP&L to Empire of an ownership interest in Iatan generating station, granting to Empire a CCN authorizing

Empire to purchase, construct, and own an ownership interest in latan generating station, and granting Empire a CCN authorizing Empire to construct own, operate and maintain a second 90-megawatt, oil-fired combustion turbine at the Empire Energy Center in Jasper County, Missouri.

In Count III, Empire requests a certificate of public convenience and necessity to construct, own, operate and maintain a second 90-Megawatt oil-fired combustion turbine at its Empire Energy Center near LaRussell, Missouri, in Jasper County. The initial turbine at that location was certificated in Case No. EA-77-38 and became commercially operable on February 24, 1978. The proposed unit will be adjacent to the existing unit and the substructures for the proposed unit are already in place, having been required by safety and soil stability requirements in connection with the installation of the first unit.

Although Empire is now certificated by the Report and Order in Case No. 9,420 to render electric service in all incorporated areas of Jasper County, Missouri, including the instant site, it nevertheless sought and obtained the first unit certificate and requests a similar certificate for the second unit.

22 Mo.P.S.C.(N.S.) at 253-54.

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Empire is a public utility subject to the jurisdiction of this Commission. This Commission is authorized to grant and Empire has voluntarily chosen to secure permission and authority prior to the commencement of construction of additional facilities pursuant to Section 393.170, V.A.M.S.

*Id.* at 255.

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Inasmuch as Empire has submitted voluntarily to this Commission its application for authority to construct these facilities, notwithstanding its existing certificate of convenience and necessity under the Report and Order in Case No. 9,420, we choose to exercise our authority and jurisdiction and do not treat the issue respecting the efficiency of that certificate as authority for the facilities involved in this proceeding.

*Id.* at 256. Pursuant to Section 393.170, the Commission granted a CCN for a second 90-megawatt oil-fired combustion turbine at the Empire Energy Center. *Id.*

### **Missouri Public Service Company**

**(13)** In *Re Missouri Public Service Corp.*, Case No. 10,635, Report And Order (1945), Missouri Public Service Corporation (“MPS”) filed a petition with the Commission April 21, 1945 for a CCN authorizing it to install the butane-propane air process of manufacturing gas, for the purpose of replacing the water-gas process of manufacturing gas then in use at its Trenton gas plant located within the corporate limits of the City of Trenton, Grundy County, Missouri. The Commission found that the public convenience and necessity would be served by granting the authority sought. Thus, the Commission approved the authority sought.