

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 11th day  
of July, 2012.

In the Matter of the Application of Entergy Arkansas, )  
Inc. for a Certificate of Convenience and Necessity )  
Authorizing It to Own, Acquire, Construct, Operate, )  
Control, Manage, and Maintain Certain Electric Plant )  
Consisting of Electric Transmission and Distribution )  
Facilities Within Dunklin, New Madrid, Oregon, )  
Pemiscot and Taney Counties, Missouri and/or for )  
Other Relief )

**File No. EA-2012-0321**

**ORDER GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY**

Issue Date: July 11, 2012

Effective Date: July 21, 2012

**Procedural History**

On March 27, 2012<sup>1</sup>, pursuant to Section 393.170, RSMo 2000, and Commission Rules 4 CSR 240-2.060, and 4 CSR 240-3.105, Entergy Arkansas, Inc., (hereafter "EAI") filed an application (as captioned in the style above) with the Missouri Public Service Commission. EAI requests that the Commission grant it authority to own, acquire, construct, operate, control, manage, and maintain electric plant in the above-referenced counties. Specifically, EAI provides wholesale services to cities and cooperatives in Missouri, and one of these cooperatives has requested a new inter-connection point in Pemiscot County.

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<sup>1</sup> Calendar references are to 2012 unless otherwise noted.

The Commission issued notice of the application, and gave the general public and interested parties until April 16 to request intervention. The Commission received no intervention requests.

On June 26, the Commission's Staff (hereafter "Staff") filed a Recommendation that asks the Commission to approve the application, and to grant certain waivers requested by EAI. Commission Rule 4 CSR 240-2.080(15) allows parties ten days to respond to pleadings. No party responded to Staff's Recommendation; therefore, the Commission finds that no party objects to the Commission granting EAI the certificate.

### **Decision**

The Commission may grant an electric corporation a certificate of convenience and necessity to operate after determining that the construction and operation are either "necessary or convenient for the public service."<sup>2</sup> The Commission has stated five criteria that it will use:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the proposed service;
- 3) The applicant must have the financial ability to provide the service;
- 4) The applicant's proposal must be economically feasible; and
- 5) The service must promote the public interest.<sup>3</sup>

Based on the verified application and the verified recommendation of Staff, the Commission finds that granting EAI's application for a certificate of convenience and

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<sup>2</sup> Section 393.170, RSMo 2000.

<sup>3</sup> *In re Tartan Energy Company*, 3 Mo.P.S.C. 173, 177 (1994).

necessity to provide electrical service meet the above listed criteria.<sup>4</sup> The application will be granted. Because the application is unopposed, and because the Commission does not wish to cause undue delay, this order will be given a ten-day effective date.

**THE COMMISSION ORDERS THAT:**

1. Entergy Arkansas, Inc., is granted permission, approval, and a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain electrical plant for its existing facilities in Missouri and its new facilities in Missouri, as more particularly described in its application and Staff Recommendation.

2. As requested by Entergy Arkansas, Inc., and agreed upon by Staff, the Commission waives the 60-day notice requirement of Commission Rule 4 CSR 240-4.020, and the reporting requirements of Commission Rule 4 CSR 240-3.175 (depreciation) and Commission Rule 4 CSR 240-3.190(1), (3) (generation).

3. This order shall become effective on July 21, 2012.

4. This case shall be closed on July 22, 2012.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

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

Pridgin, Senior Regulatory Law Judge

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<sup>4</sup> The requirement for a hearing is met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence. No party requested a hearing in this matter; thus, no hearing is necessary. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 S.W.2d 494 (Mo. App. W.D. 1989).