

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 10th day of February, 2021.

In the Matter of the Application of Ameren)	
Transmission Company of Illinois for a)	
Certificate of Convenience and Necessity)	<u>File No. EA-2021-0167</u>
Authorizing it to Operate and Maintain an)	
Interconnection of the High Prairie Wind Project)	
with the Mark Twain Transmission Line)	

**ORDER GRANTING CERTIFICATE OF
CONVENIENCE AND NECESSITY**

Issue Date: February 10, 2021

Effective Date: February 20, 2021

Ameren Transmission Company of Illinois (ATXI) on December 11, 2020, applied for an order declining jurisdiction or, alternatively, a certificate of convenience and necessity (CCN) to operate and maintain a switchyard¹ in Schuyler County, Missouri, ("Hughes Switchyard"²) to connect the High Prairie Wind Generation Facility with the Mark Twain Transmission Line operated by ATXI. ATXI also requested waiver of the 60-day notice requirement under 20 CSR 4240-4.017 and expedited treatment, with an order no later than 90 days after the date of application. The Commission received no requests to intervene in this case.

On January 19, 2021, the Staff of the Commission (Staff) recommended that the Commission should grant ATXI a CCN to operate and maintain the Hughes Switchyard.

¹ A switchyard may also be referred to as a "switching station." See *Staff's Recommendation to Approve Application, Appendix A: Memorandum*, p. 3 (Jan. 19, 2021).

² Documents attached to ATXI's application, including the Generator Interconnection Agreement (Appendix F) and plans and specifications (Appendix G), refer to the switchyard or switching station as the "Hughes switchyard" and "Hughes switching station." See *Application of ATXI for Order Declining Jurisdiction or, Alternatively, Granting a CCN to Operate and Maintain an Interconnection*, File No. EA-2021-0167 (Dec. 11, 2020).

On February 4, 2021, ATXI filed a response to Staff's recommendation and requested the Commission grant the CCN in accordance with Staff's recommendation.³

Both the Mark Twain Transmission Line and High Prairie Wind Generation Facility are subject to the Commission's jurisdiction and approval. In January 2018, pursuant to a unanimous stipulation and agreement, the Commission granted ATXI a CCN for the Mark Twain Transmission Line in Marion, Knox, Adair, Schuyler and Lewis counties.⁴ In October 2018, also pursuant to an agreement, the Commission granted Union Electric Company d/b/a Ameren Missouri a CCN to construct and operate a wind generation facility to be constructed in Schuyler and Adair counties.⁵ ATXI's application identifies that facility as the High Prairie Wind Generation Facility ("High Prairie"). According to ATXI's application, High Prairie will connect to the Mark Twain Transmission Line at the Hughes Switchyard, which is located in Schuyler County on land "contiguous to" the Mark Twain line.⁶

As Staff's recommendation observes, the Commission has previously determined a CCN granted for an electric transmission line may not necessarily include approval of switchyards or switching stations.⁷ No objections to Staff's recommendation have been received, and the time for response has expired.⁸ The Commission will take up ATXI's

³ *ATXI's Response to Staff Recommendation*, ¶ 3 (Feb. 4, 2021).

⁴ *Order Approving Unanimous Stipulation and Agreement*, File No. EA-2017-0345 (Jan. 10, 2018).

⁵ *Order Approving Third Stipulation and Agreement*, File No. EA-2018-0202 (Oct. 24, 2018).

⁶ *Application of ATXI for Order Declining Jurisdiction or, Alternatively, Granting a CCN to Operate and Maintain an Interconnection*, File No. EA-2021-0167, p. 3-4 (Dec. 11, 2020).

⁷ See *Order Granting Certificate of Convenience and Necessity*, File No. EA-2016-0190 (Oct. 5, 2015) (granting CCN for "switch station" to connect Osborn Wind Energy Center to Sibley-Nebraska City transmission line); *Order Granting Certificate of Convenience and Necessity*, File No. EA-2016-0188 (April 6, 2016) (granting CCN for "switch station" to connect Rock Creek Wind Project to Sibley-Nebraska City line). The Commission had previously approved the Sibley-Nebraska City transmission line with a CCN granted in August 2013. *Report and Order*, File No. EA-2013-0098 (Aug. 7, 2013).

⁸ Commission Rule 20 CSR 4240-2.080(13) allows parties 10 days to respond to pleadings unless otherwise ordered by the Commission. Any hearing requirement is met when the opportunity for hearing is provided and an evidentiary hearing is not requested by a proper party. *State ex rel. Deffenderfer Enters., Inc. v. Pub. Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App. W.D. 1989).

application unopposed.

ATXI is an electrical corporation and a public utility subject to Commission jurisdiction.⁹ The Commission may grant an electrical corporation a certificate of convenience and necessity after determining that the subject project is “necessary or convenient for the public service.”¹⁰ The Commission has stated five criteria it uses to determine necessity or convenience:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the 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.¹¹

Staff advises ATXI’s application for a CCN satisfies these standards, which are often referred to as the “Tartan” criteria or factors. The Hughes Switchyard is necessary to connect High Prairie to the Mark Twain line, as is anticipated by the governing Generator Interconnection Agreement (GIA).¹² ATXI is qualified to operate the switching station and has an established record of service. ATXI has demonstrated its financial ability in that the \$9.6 million Hughes Switchyard was built with funds from ATXI’s treasury. Economic feasibility is demonstrated by ATXI’s established qualifications and service record, the company’s funding of the switchyard’s construction, and the fact that High Prairie is responsible for connection costs. For those reasons, Staff proposes the public interest is served by approval of a CCN.

⁹ Section 386.020(15), (43), RSMo (Cum. Supp. 2019).

¹⁰ Section 393.170.3, RSMo (2016).

¹¹ *In re Tartan Energy Co.*, File No. GA-94-127, 3 Mo. P.S.C. 173, 177 (Oct. 7, 1994).

¹² The GIA is attached as Appendix F to ATXI’s application in this case.

Based on the verified pleadings and Staff's recommendation, the Commission finds the application for a certificate of convenience and necessity to operate and maintain the Hughes Switchyard meets the stated criteria and is necessary and convenient for the public service. The Commission will grant the application.

As ATXI's application notes, the Commission's order granting a CCN for the Mark Twain Transmission Line waived ATXI's reporting obligations under certain Commission rules because ATXI does not serve retail customers in Missouri.¹³ The Commission's order in that case approved a unanimous stipulation and agreement, which provided for waiver of certain rules¹⁴ and also required ATXI to file with the Commission the annual report the company files with the Federal Energy Regulatory Commission.¹⁵ The Commission may grant a variance from or waive a requirement of Commission rules for good cause.¹⁶ As recommended by Staff and requested by ATXI,¹⁷ the Commission finds good cause exists because ATXI does not serve retail customers in Missouri. This order will provide for the same reporting waivers as the order that granted ATXI a CCN for the Mark Twain line.

Because the application is unopposed and the Commission does not wish to delay the project, the Commission will allow this order to go into effect in fewer than 30 days.

¹³ *Order Approving Unanimous Stipulation and Agreement*, File No. EA-2017-0345, p. 7 (Jan. 10, 2018). See also *Application of ATXI for Order Declining Jurisdiction or, Alternatively, Granting a CCN*, ¶5 n.1 (Dec. 11, 2020).

¹⁴ The rule provisions waived in the Mark Twain CCN order, as they are cited in the Commission's current rules, are 20 CSR 4240-3.175 (submission of depreciation studies), 20 CSR 4240-3.190(1),(2),(3)(A)-(D) (reporting of certain generating unit events), 20 CSR 4240-10.145 (submission of an annual report), and 20 CSR 4240-20.105 (filing of rate schedules).

¹⁵ *Order Approving Unanimous Stipulation and Agreement*, File No. EA-2017-0345, Exhibit 1: Unanimous Stipulation and Agreement, ¶5(f) (Jan. 10, 2018).

¹⁶ 20 CSR 4240-2.205; see also 20 CSR 4240-3.175(2) and 20 CSR 4240-3.190(10).

¹⁷ ATXI's application does not expressly request waiver of these reporting rules, but ATXI's response to Staff's recommendation requests that the Commission grant the waivers as recommended by Staff. *ATXI's Response to Staff Recommendation*, ¶3 (Feb. 4, 2021).

Finally, the Commission will grant ATXI's request for waiver of the 60-day notice requirement under 20 CSR 4240-4.017. The Commission finds good cause exists for waiver, based on ATXI's verified declaration that it had no communication with the Office of the Commission regarding substantive issues in the application within 150 days before ATXI filed its application.

THE COMMISSION ORDERS THAT:

1. ATXI is granted permission, approval, and a certificate of convenience and necessity to operate and maintain the Hughes Switchyard.
2. ATXI's obligations under Commission rules 20 CSR 4240-3.175, 20 CSR 4240-3.190(1),(2),(3)(A)-(D), 20 CSR 4240-10.145 and 20 CSR 4240-20.105 are waived, except that ATXI remains obligated to file with the Commission the annual report it files with the Federal Energy Regulatory Commission.
3. The 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived for good cause.
4. This order shall be effective on February 20, 2021.



BY THE COMMISSION

A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

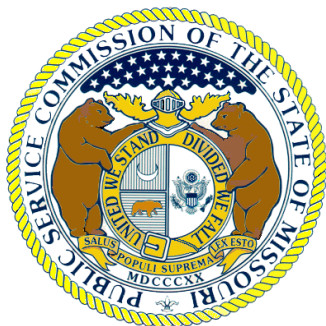
Jacobs, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 10th day of February, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

February 10, 2021

File/Case No. EA-2021-0167

**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.