

RESOLUTION NO. R-79-9

WHEREAS, the City of Conway, Arkansas desires to purchase a 2 percent undivided interest in the White Bluff generating plant and a 2 percent undivided interest in the Independence County generating plant; and,

WHEREAS, the City of Conway must become a joint applicant in the Certificates of Environmental Compatibility and Public Need granted by the Arkansas Public Service Commission in Dockets U-2488 and U-2903 for White Bluff and Independence, respectively, to accomplish this end.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

THAT, the Mayor of the City of Conway, Arkansas is hereby empowered and directed to sign for and in behalf of the City of Conway, Arkansas, certain Petitions addressed to the Arkansas Public Service Commission in the matter of Dockets No. U-2488 and U-2903, copies of which are attached to and hereby made a part of this Resolution.

PASSED: February 13, 1979.

Bill Wright  
Mayor

ATTEST

Doris Dunn  
City Clerk

BEFORE THE ARKANSAS PUBLIC SERVICE COMMISSION

JOINT APPLICATION OF ARKANSAS POWER )  
& LIGHT COMPANY AND THE CITY OF CONWAY )  
FOR TRANSFER OF UNDIVIDED PORTIONS OF )  
THE "CERTIFICATE OF ENVIRONMENTAL )  
COMPATIBILITY AND PUBLIC NEED FOR ) DOCKET NO. U-2488  
CONSTRUCTION OF AN ELECTRIC GENERATING )  
PLANT AND ASSOCIATED FUEL SUPPLY AND )  
OTHER FACILITIES NEAR REDFIELD, )  
JEFFERSON COUNTY, ARKANSAS" ISSUED IN )  
DOCKET U-2488 )

P E T I T I O N

Come Arkansas Power & Light Company (hereinafter called "AP&L") and the City of Conway, Arkansas (hereinafter called "Conway"), Petitioners herein, respectfully asking this Commission to approve the transfer by AP&L to the Petitioner Conway of an undivided portion of the Certificate of Environmental Compatibility and Public Need granted by this Commission in Docket U-2488 for the construction of an electric generating plant near Redfield, Jefferson County, Arkansas, commonly referred to as the White Bluff generating station. For their Petition, Petitioners state:

1. AP&L is an Arkansas corporation and a public utility under the terms and provisions of Act 324 of the Acts of Arkansas of 1935, as amended. Conway is an Arkansas municipal corporation and has leased its electric system to the Conway Corporation, an Arkansas non-profit corporation, which is providing electric service in Conway, Arkansas. Copies of AP&L's Articles of Incorporation are on file with the Commission in Docket U-2813, and are incorporated herein by reference.

2. The Commission has jurisdiction of the subject matter hereof pursuant to Section 4(b) of Act 164 of the Acts of Arkansas of 1973 (Ark. Stats. §73-276.3).

3. Pursuant to Rule 2.03 of the Rules of Practice and Procedure before the Arkansas Public Service Commission, Petitioners request the following individuals to be shown on the official service list:

E. B. Dillon, Jr.  
House, Holmes & Jewell  
1550 Tower Building  
Little Rock, Arkansas 72201  
Telephone: 375-9151

James H. Brewer, Manager  
Conway Corporation  
Conway, Arkansas 72032  
Telephone: 329-5641.

4. On October 11, 1974, this Commission, in Docket No. U-2488, granted AP&L a Certificate of Environmental Compatibility and Public Need for construction of an electric generating plant and associated fuel supply and other facilities near Redfield, Jefferson County, Arkansas. Pursuant to the grant of this Certificate, AP&L began construction on what is commonly referred to as the White Bluff generating station. In August, 1975, construction of said plant was suspended because of financing difficulties of AP&L.

5. Arkansas Electric Cooperative Corporation (hereinafter called "AECC") and City Water and Light Plant of the City of Jonesboro (hereinafter called "CWL"), following negotiations with AP&L, purchased an undivided 35% and 5% ownership interest in uncompleted White Bluff Units 1 and 2, respectively, and are also sharing in the construction costs of said units during the remaining construction. AP&L will supervise the completion of construction, for itself and as agent for AECC, CWL and Conway. Following completion of said units they will be operated by AP&L for itself and as agent for AECC and CWL. On May 24, 1977, the Commission, by order, approved the transfer of 35% and 5% of the Certificate to AECC and CWL.

6. Conway has agreed and does hereby agree that if this Commission approves the transfer of undivided portions of not to exceed 2%, of the Certificate of Environmental Compatibility and Public Need, granted in Docket No. U-2488,

that it will comply with all terms, conditions and modifications in said Certificate as set forth in the Commission's Order in Docket No. U-2488, issued October 11, 1974.

7. The transfer of undivided portions of the White Bluff Certificate of Environmental Compatibility and Public Need is essential to the parties' ability to complete construction of the White Bluff generating station and, therefore, in the public's best interest. Approval of this Commission of the transfer of interest in the Certificate is a prerequisite to the purchase, ownership and operation of undivided interests in the White Bluff Plant.

WHEREFORE, Petitioners, AP&L and onway respectfully ask this Commission to approve the requested transfer of undivided portions of the Certificate of Environmental Compatibility and Public Need for the White Bluff generating station, and to authorize AP&L to transfer, and Conway to accept, an undivided interest in the "Certificate" to Conway.

Respectfully submitted,

ARKANSAS POWER & LIGHT COMPANY

By \_\_\_\_\_  
Its Attorney

CITY OF CONWAY, ARKANSAS

By \_\_\_\_\_



BEFORE THE ARKANSAS PUBLIC SERVICE COMMISSION

JOINT APPLICATION OF ARKANSAS POWER )  
 & LIGHT COMPANY AND THE CITY OF )  
 CONWAY FOR TRANSFER OF UNDIVIDED )  
 PORTIONS OF THE "CERTIFICATE OF )  
 ENVIRONMENTAL COMPATIBILITY AND )  
 PUBLIC NEED FOR CONSTRUCTION OF AN ) DOCKET NO. U-2903  
 ELECTRIC GENERATING PLANT AND )  
 ASSOCIATED FUEL SUPPLY AND OTHER )  
 FACILITIES NEAR NEWARK, INDEPENDENCE )  
 COUNTY, ARKANSAS," ISSUED IN )  
 DOCKET U-2903 )

P E T I T I O N

Come Arkansas Power & Light Company (hereinafter called "AP&L") and the City of Conway, Arkansas (hereinafter called "Conway"), Petitioners herein, respectfully asking this Commission to approve the transfer by AP&L to Conway of an undivided portion of the Certificate of Environmental Compatibility and Public Need granted by this Commission in Docket U-2903 for the construction of an electric generating plant near Newark, Independence County, Arkansas, commonly referred to as the Independence Steam electric station. For their Petition, Petitioners state:

1. AP&L is an Arkansas corporation and a public utility under the terms and provisions of Act 324 of the Acts of Arkansas of 1935, as amended. Copies of AP&L's Articles of Incorporation are on file with the Commission in Docket U-2813 and are incorporated herein by reference. Conway is a municipal corporation organized under the laws of Arkansas and has leased its electric system to the Conway Corporation, an Arkansas non-profit corporation, which is providing electric service in the City of Conway.

2. The Commission has jurisdiction of the subject matter hereof pursuant to Section 4(b) of Act 164 of the Acts of Arkansas of 1973 (Ark. Stats. §73-276.3).

3. Pursuant to Rule 2.03 of the Rules of Practice and

Procedure of the Arkansas Public Service Commission,  
Petitioners request the following individuals to be shown  
on the official service list:

E. B. Dillon, Jr.  
House, Holmes & Jewell  
1550 Tower Building  
Little Rock, Arkansas 72201  
Telephone: 375-9151

Mr. James H. Brewer, Manager  
Conway Corporation  
Conway, Arkansas 72032  
Telephone: 329-5641.

4. On August 31, 1978, this Commission, in Docket No. U-2903, granted AP&L, Arkansas Electric Cooperative Corporation and City Water and Light of Jonesboro a Certificate of Environmental Compatibility and Public Need for construction of an electric generating plant and associated fuel supply and other facilities near Newark, Independence County, Arkansas. Pursuant to the grant of this Certificate, construction on what is commonly referred to as the Independence Steam electric station was begun.

5. Conway, following negotiations with AP&L, proposes to purchase an undivided ownership interest in uncompleted Independence Units 1 and 2, respectively, from AP&L of a portion of AP&L's 60% interest not to exceed 2% of the total plant. Conway also will share in the construction costs of said units during the remaining construction. AP&L will supervise the completion of construction, for itself and as agent for AECC, CWL and Conway. Following completion of said units they will be operated by AP&L for itself and as agent for AECC, CWL and Conway.

6. Conway has agreed, and does hereby agree that if this Commission approves the transfer of an undivided interest to Conway in the Certificate of Environmental Compatibility and Public Need, granted in Docket No. U-2903, that it will comply with all terms, conditions and modifications in said Certificate as set forth in the Commission's

Order in Docket No. U-2903, issued August 31, 1978.

7. The transfer of an undivided portion of the White Bluff Certificate of Environmental Compatibility and Public Need will support the parties' ability to complete construction of the Independence Steam electric station and, therefore, in the public's best interest. Approval of this Commission of the transfer of interests in the Certificate is a prerequisite to the purchase, ownership and operation of an undivided interest in the Independence plant by Conway.

WHEREFORE, Petitioners, AP&L and Conway, respectfully ask this Commission to approve the requested transfer of an undivided portion of the Certificate of Environmental Compatibility and Public Need for the Independence generating station, and to authorize AP&L to transfer, and Conway to accept, an undivided interest in the "Certificate" to Conway, of not to exceed 2%.

Respectfully submitted,

ARKANSAS POWER & LIGHT COMPANY

By \_\_\_\_\_  
Its Attorney

CITY OF CONWAY, ARKANSAS

By \_\_\_\_\_



