

3102. Certificate of Public Convenience and Necessity for Facilities

- (e) For an application for a certificate of public convenience and necessity for construction or expansion of generation facilities, including, but not limited to pollution controls or fuel conversion upgrades and conversion of existing coal-fired plants to natural gas plants, the applying utility shall provide the following information regarding best value employment metrics. If information regarding best employment value metrics is not known at the time an application for a certificate of public convenience and necessity is filed because an applicant has not yet entered into contracts for the construction of a proposed project, an applicant shall state that it will obtain information regarding best value employment metrics from potential contractors through whatever means it uses to select contractors for project construction. In such case, an applicant will file a status report with the Commission forty-five (45) days after contract award that provides to the Commission information selected contractors have provided regarding how they meet best value employment metrics. Any party may file comments with the Commission on said status report within fifteen (15) days of the filing of the status report with the Commission. The utility may file any information regarding a bidder's wages on a highly confidential basis.

3205. Construction or Expansion of Generating Capacity.

- (a) No utility may commence new construction or an expansion of generation facilities or projects until either the Commission notifies the utility that such facilities or projects do not require a certificate of public convenience and necessity or the Commission issues a certificate of public convenience and necessity for the facility or project. Rural electric cooperatives do not need a certificate of public convenience and necessity for new construction or an expansion of generation facilities provided that such construction or expansion is contained entirely within the cooperative's certificated area.

- (b) The following shall be deemed to occur in the ordinary course of business and shall not require a certificate of public convenience and necessity:
 - (I) New construction or expansion of existing generation, which will result in an increase in generating capacity of less than ten megawatts.

 - (II) A generating plant remodel, or installation of any equipment or building space, required for pollution control systems where (1) the project can be completed while the plant remains in operation and otherwise does not reduce the availability of the plant beyond regularly scheduled maintenance outages and (2) the economic feasibility of the project requires no extension to the expected useful life of the plant for depreciation or cost amortization purposes.