

**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 March, 2015.

In the Matter of Kansas City Power & Light)	<u>File No. ER-2014-0370, et al.</u>
Company's Request for Authority to Implement a)	YE-2015-0194
General Rate Increase for Electric Service)	YE-2015-0195

**ORDER GRANTING MOTION FOR LEAVE TO FILE
SUPPLEMENTAL DIRECT TESTIMONY**

Issue Date: March 11, 2015

Effective Date: March 11, 2015

On October 30, 2014, Kansas City Power & Light Company ("KCP&L") submitted a tariff designed to implement a general rate increase for electric utility service, including the filing of direct testimony in support of that proposed tariff. On February 6, 2015, KCP&L filed a Motion for Leave to File Supplemental Direct Testimony and the supplemental direct testimony of Darrin Ives. The supplemental direct testimony discusses KCP&L's planned Clean Charge Network pilot project of electric vehicle charging stations, which had been publicly announced on January 26, 2015, and the revenue requirement impacts of the network on this rate proceeding. KCP&L asserts that the Clean Charge Network was contemplated by the company when it filed direct testimony on October 30, 2014, but the project did not become a certainty until the public announcement months later.

On February 17, 2015, the Office of the Public Counsel, the Midwest Energy Consumers Group, and Consumers Council of Missouri (collectively, the "Objectors"), filed a joint response opposing KCP&L's motion. Objectors argue that the motion violates

Commission rule 4 CSR 240-2.130(10) because the request does not fall within two exceptions to the general rule prohibiting the supplementation of pre-filed testimony. Objectors state that the motion does not establish good cause to amend the procedural schedule and would increase the burden on other parties to respond to a new issue months after KCP&L's initial filing, implying that KCP&L is intentionally trying to manipulate the procedural schedule to its benefit. Finally, Objectors claim that including the issue of the Clean Charge Network in this case would create possible ex parte communication conflicts with a proposed working case docket, EW-2015-0184, which may address policy considerations of electric charging networks.¹

KCP&L responded to Objectors arguments by stating that the Clean Charge Network is a pilot project of limited size and scope and is not a significant driver of the company's revenue requirement in this case. KCP&L argues that the three month period of time between the filing of KCP&L's supplemental direct testimony and the date other parties must file rebuttal testimony is adequate for other parties to take and defend positions on the limited question of the revenue requirement impact of the pilot project. KCP&L disagrees with Objectors' allegation that the motion violates Commission rule 4 CSR 240-2.130(10). That rule permits the filing of supplemental testimony to replace projected financial information, and KCP&L states it is adjusting in its supplemental direct testimony projected expense and plant in service amounts that were included in its original direct testimony. KCP&L denies that it seeks to improperly manipulate the procedural schedule and asserts that other parties will not be prejudiced by granting its motion.

¹ On March 4, 2015, the Commission denied KCP&L's request to open this working case docket until after the conclusion of the rate case, so this argument is no longer relevant and will not be discussed further.

The Commission finds KCP&L's arguments to be persuasive. Commission rule 4 CSR 240-2.130(10) generally prohibits supplementing pre-filed testimony "unless ordered by the presiding officer or the commission".² The two stated exceptions to this general rule, contrary to Objectors' arguments, do not limit the discretion of the Commission to grant supplementing pre-filed testimony in other circumstances. Nevertheless, KCP&L's supplemental direct testimony replaces projected financial information contained in its original direct testimony, and so does not violate this rule. In addition, as KCP&L notes, denial of the motion would only delay and not prevent this issue from arising during the case, as the projected financial information could be updated later during true-up direct testimony.

The Commission finds that KCP&L did not act improperly by seeking to file supplemental direct testimony regarding the Clean Charge Network. There is sufficient time for other parties to respond to this limited issue without causing prejudice to those parties. The Commission concludes that the request to file supplemental direct testimony is reasonable and will grant it.

THE COMMISSION ORDERS THAT:

1. Kansas City Power & Light Company's Motion for Leave to File Supplemental Direct Testimony filed on February 6, 2015, is granted.

² "No party shall be permitted to supplement prefiled prepared direct, rebuttal, or surrebuttal testimony unless ordered by the presiding officer or the commission. A party shall not be precluded from having a reasonable opportunity to address matters not previously disclosed which arise at the hearing. This provision does not forbid the filing of supplemental direct testimony for the purpose of replacing projected financial information with actual results."

2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Bushmann, Senior Regulatory Law Judge