

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of)
KCP&L Greater Missouri Operations)
Company for Approval to Make Cer-) ER-2010-0356
tain Changes in its Charges For)
Electric Service)

**APPLICATION FOR REHEARING BY
AG PROCESSING INC A COOPERATIVE**

COMES NOW AG PROCESSING INC A COOPERATIVE ("AGP") and pursuant to Commission rules seeks rehearing of the Commission's June 15, 2011 Order Approving Tariff Sheets and Setting Procedural Conference concerning KCP&L Greater Missouri Operations Company ("GMO") ("Order") as follows:

1. In the Order, the Commission purported to approve certain tariff sheets that had not been submitted by GMO in compliance with Section 393.140(11) in that the submitted tariff sheets did not bear a proposed effective date at least 30 days later than their date of filing. This filing violates *ab initio* the requirement in Section 393.140(11) that changes in rates require thirty days' notice to the Commission and publication for thirty days. The Commission does not have authority to waive this statutory requirement. Accordingly the Commission did not and does not have lawfully submitted tariff sheets upon which to act and its order purporting to approve them is a nullity.

2. Missouri's Constitution and judicial decisions require that Commission Orders must not only be reasonable, but must also be lawful. The Commission's Order is unlawful in that it imposes upon GMO L&P division a rate increase that exceeds that initially requested by GMO and with regard to which GMO gave public notice.

3. The method chosen by the Commission to implement Section 393.155.1 RSMo not only fails to consider all relevant factors in future years and is unlawful and void but provides no method or mechanism whereby all factors relevant to the need for and the amount of additional revenue in future periods may be examined by the Commission or by customers and is therefore unlawful and void.

4. Section 393.155.1 RSMo does not provide the Commission with authority or power to direct a phase-in of any rate increase that in total exceeds the amount that was initially requested by GMO with respect to its L&P Division and with regard to which GMO gave public notice.

5. The method chosen by the Commission to implement Section 393.155.1 RSMo exceeds in total the rate increase that was originally requested by GMO and is therefore unlawful.

6. That the Order appears to grant GMO L&P a rate increase in a series of future years that exceeds in the aggregate the amount sought by GMO L&P and is further unlawful in that the Order reserves only for litigation the issue of an appropriate carrying charge while failing to consider that the overall

aggregate increase is unlawful regardless of the amount of carrying charge and also wholly fails to take into account all relevant factors that might pertain to such future period.

WHEREFORE AGP respectfully requests that the portion of the Order as above stated be withdrawn and corrected so as to stay within the Commission's lawful authority.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR AG PROCESSING INC A
COOPERATIVE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by U.S. mail, postage prepaid addressed, or by electronic mail, to all parties upon their attorneys of record as disclosed by the pleadings and orders herein.



Stuart W. Conrad

Dated: June 22, 2011