

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

In the Matter of Kansas City Power & Light            )  
Company's Application for Approval of                )  
Demand-Side Programs and for Authority to        )  
Establish a Demand-Side Programs                 )  
Investment Mechanism                                    )

**File No. EO-2014-0095**

**JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE AND  
REQUEST FOR VARIANCE**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and on behalf of Staff, Kansas City Power & Light Company ("KCP&L"), Office of the Public Council ("OPC"), Empire District Electric Company ("Empire"), Union Electric Company d/b/a Ameren Missouri, the Missouri Division of Energy, the Sierra Club, Earth Island Institute d/b/a Renew Missouri, Brightergy LLC, Natural Resources Defense Council ("NRDC"), MC Power Companies, Inc., Missouri Industrial Energy Consumers ("MIEC") and Midwest Energy Consumers' Group ("MECG"), all known collectively herein as "the Parties," hereby submits this *Motion to Modify Procedural Schedule and Request for Variance*. In support hereof, Staff states as follows:

1. On February 3, 2014,<sup>1</sup> Staff filed a *Jointly Proposed Procedural Schedule* on behalf of the Parties. In particular, the Parties recommended the filing of rebuttal testimony on February 28.
2. On February 4, the Commission issued its *Order Adopting Procedural Schedule*.
3. The Parties have held five technical conferences since KCPL's January 7

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<sup>1</sup> All dates herein refer to calendar year 2014, unless otherwise specified.

filing of its Missouri Energy Efficiency Investment Act *Application*. While certain areas of concern remain, the conferences have been generally productive.

4. In the effort to continue the productive technical conferences towards the goal of reaching an agreement in principle, or at the very least focusing the issues that remain for hearing, the Parties request the Commission extend the deadline for rebuttal testimony and all subsequent dates by approximately four (4) weeks as shown herein:

**Event Date**

Rebuttal Testimony Filed	March 28
Data Request response times change to 5 calendar days to respond and 3 calendar days to object	March 28
Early Settlement Conference	as agreed to by the Parties
Second Settlement Conference	as agreed to by the Parties
Surrebuttal Testimony Filed	April 14
List of Issues	April 16
Statement of Positions	April 22
Evidentiary Hearing (overnight expedited transcripts)	April 28-29
Initial Post-Hearing Briefs	May 6
Reply Briefs	May 12
Report and Order Issue Date	June 6

5. The Parties disagree as to the effect in this case of language in the *Proposed Experimental Regulatory Plan* embodied in the *Stipulation and Agreement* filed in Case No. EO-2005-0329, on March 28, 2005, as amended on July 26, 2005.

The Commission approved the *Stipulation and Agreement* in its July 28, 2006 *Report and Order* that took effect August 7, 2005, and the Commission ordered the signatories to abide by its terms. The Commission later approved amendments to the *Experimental Regulatory Plan* by Order effective August 23, 2005, but the amendments did not alter the language in question in this case. The language in the *Experimental Regulatory Plan* that the Parties disagree as to the effect of in this case follows:

### **III.B.1.c. Single-Issue Rate Mechanisms**

KCPL agrees that, prior to June 1, 2015, it will not seek to utilize any mechanism authorized in current legislation known as “SB 179” or other change in state law that would allow riders or surcharges or changes in rates outside of a general rate case based upon a consideration of less than all relevant factors. In exchange for this commitment, the Signatory Parties agree that if KCPL proposes an Interim Energy Charge (“IEC”) in a general rate case filed before June 1, 2015 in accordance with the following parameters, they will not assert that such proposal constitutes retroactive ratemaking or fails to consider all relevant factors:

- (i) The rates and terms for such an IEC shall be established in a rate case along with a determination of the amount of fuel and purchased power costs to be included in the calculation of base rates.
- (ii) The rate or terms for such an IEC shall not be subject to change outside of a general rate case where all relevant factors are considered.
- (iii) The IEC rate “ceiling” may be based on both historical data and forecast data for fuel and purchased power costs, forecasted retail sales, mix of generating units, purchased power, and other factors including plant availability, anticipated outages, both planned and unplanned, and other factors affecting the costs of providing energy to retail customers.
- (iv) The duration of any such IEC shall be established for a specified period of time, not to exceed two years.
- (v) A refund mechanism shall be established which will allow any over- collections of fuel and purchased power amounts to be returned to ratepayers with interest following a review and true-up of variable fuel and purchased power costs at the conclusion of each IEC. Any uncontested amount of over-collection shall be refunded to ratepayers no later than 60 days following the filing of the IEC true-up recommendation of the Staff.

(vi) During any IEC period, KCPL shall provide to the Staff, Public Counsel and other interested Signatory Parties monthly reports that include any requested energy and fuel and purchase power cost data.

The Parties agree that, even if they resolve the other issues in this case, the Commission must make a finding on KCPL's request made in its application filed January 7, 2014, in this case to implement a DSIM charge starting June 1, 2015, and whether KCPL's request is in compliance with the *Stipulation and Agreement* because it is not seeking to utilize the rider prior to June 1, 2015, or whether it violates the *Stipulation and Agreement* because the request wherein KCPL seeks to utilize the rider was made before June 1, 2015.

6. Rule 4 CSR 240-20.094 (3) provides that "[t]he commission shall approve, approve with modification acceptable to the electric utility, or reject such applications for approval of demand-side program plans within one hundred twenty (120) days of the filing of an application under this section..."

7. Rule 4 CSR 240-20.094 (9) allows the Commission to grant the Parties a variance from the 120 day decision requirement upon request and for good cause shown. Good cause exists because all Parties agree to this extension and its purpose is to allow more time for technical and settlement discussions to reach a resolution of all issues, or at the very least, focus the issues that remain for the Commission's decision.

**WHEREFORE**, Staff, on behalf of the Parties, files this Motion and Request for the Commission's information and consideration and requests the Commission issue an order modifying the procedural schedule and granting a variance from Rule 4 CSR 240-20.094 (3) as contained herein.

Respectfully submitted,

**STAFF OF THE MISSOURI  
PUBLIC SERVICE COMMISSION**

**/s/ Jennifer Hernandez**

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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 25<sup>th</sup> day of February 2014, to all counsel of record in this proceeding.

**/s/ Jennifer Hernandez**