

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

Filed
April 29, 2013
Data Center
Missouri Public
Service Commission

In the Matter of the Application of)
Transource Missouri, LLC for a Certificate)
of Convenience and Necessity Authorizing it)
to Construct, Finance, Own, Operate, and) Case No. EA-2013-0098
Maintain the Iatan-Nashua and Sibley-)
Nebraska City Electric Transmission)
Projects.)

In the Matter of the Application of Kansas City Power)
& Light Company and KCP&L Greater Missouri)
Operations Company for Approval To Transfer) Case No. EO-2012-0367
Certain Transmission Property to Transource)
Missouri, LLC and for Other Related Determinations.)

ERRATA TO SURREBUTTAL TESTIMONY OF ANTONIO P. SMYTH

COME NOW Transource Missouri, LLC, Kansas City Power & Light Company, and KCP&L Greater Missouri Operations Company (“Applicants”), and hereby file an Errata to the Surrebittal Testimony of Antonio P. Smyth which was filed with the Missouri Public Service Commission on March 6, 2013.

1. Since filing, Applicants have discovered Exhibit APS-1 referenced on page 5, lines 20-21 on the Surrebittal Testimony of Antonio P. Smyth was inadvertently omitted in its March 6, 2013 filing. Applicants hereby attach the omitted exhibit (Exhibit APS-1). The parties to the aforementioned dockets will not be harmed by the delay in receipt of this late-filed exhibit.

WHEREFORE, the Applicants respectfully request that the Commission accept the inadvertently omitted exhibit (Exhibit APS-1).

Exhibit NO. 16
File NO. EA-2013-0098

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner MBN 39586
Corporate Counsel
Kansas City Power & Light Company
1200 Main Street
Kansas City, MO 64105
(816) 556-2314
(816) 556-2787 (fax)
roger.steiner@kcpl.com

Karl Zobrist MBN 28325
Lisa A. Gilbreath MBN 62271
SNR Denton US LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
(816) 460-2400
(816) 531-7545 (fax)
karl.zobrist@snrdenton.com
lisa.gilbreath@snrdenton.com

Larry W. Brewer
Assistant General Counsel
American Electric Power Company, Inc.
400 West 15th Street, Suite 1500
Austin, Texas 78701
(512) 481-3320
(512) 391-2978 (fax)
lwbrewer@aep.com

Attorneys for Transource Missouri, LLC,
Kansas City Power & Light Company, and
KCP&L Greater Missouri Operations Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record on this 11th day of March, 2013.

/s/ Roger W. Steiner _____

Roger W. Steiner

Company Name: KCPL and KCPL GMO
Case Description: Transource CCN
Case: EA-2013-0098

Response to Dottheim Steve Interrogatories – Set MPSC_20130107
Date of Response: 01/18/2013

Question No. :0113

In its Application in File No. EO-2012-0367, page 19, Paragraph 55, and page 3, Paragraph 6, KCPL and GMO contend that no approval is required to novate the NTCs received from SPP regarding the regional, high-voltage transmission Projects, Iatan-Nashua and Sibley-Nebraska City, under Section 393.190 or any other provision of Chapter 386 or 393 of the Public Service Commission Law because “[a]n NTC is not a ‘part of the Applicants’ ‘franchise, works or system, necessary or useful in the performance of [their] duties to the public . . .’ under Section 393.190.1.” In response to Staff Data Request No. 0009, AEP/Transource/Transource Missouri/GPE/ KCPL/GMO answered that “[i]f the Commission approves the transfer of facilities currently owned by KCP&L and GMO to Transource Missouri, such facilities will no longer be part of KCP&L’s or GMO’s franchise, works or system as defined in Section 393.190.1.” In response to Staff Data Request No. 0063, AEP/Transource/Transource Missouri /GPE/KCPL/GMO answered that “[i]f Section 393.190 is interpreted to include all assets of KCP&L and/or GMO, then the completed two regional, high-voltage, wholesale transmission projects approved by SPP known as the Iatan-Nashua 345kV transmission project and the Sibley-Nebraska City 345kV transmission project (collectively, the ‘Projects’) may be considered, to some extent, to be part of KCP&L and/or GMO’s ‘franchise, works or system, necessary or useful in the performance of its duties to the public’ under Section 393.190.1. However, because the Projects will not serve retail customers but rather will be transporting electric energy in interstate commerce, subject to SPP’s FERC-approved Open Access Transmission Tariff, the Projects may not be ‘franchise, works or system, necessary or useful in the performance of its duties to the public’ under Section 393.190.1.”

Under Section 15.6.1 of the Operating Agreement Of Transource Energy, LLC, AEP Transmission Holding Company, LLC (“AEP THC”) or one of its Corporate Affiliates may purchase all of the Interest(s) owned by the GPE Transmission Holding Company, LLC (“GPE”) and its Corporate Affiliates, upon GPE’s failure to satisfy the SPP Project Initial Transfer Conditions¹ with respect to the Sibley-Nebraska City Project on or before the SPP Project Initial Transfer Conditions Deadline of April 3, 2014, ² which is the second anniversary of the Effective Date, which is April 3, 2012, OR upon GPE’s failure to satisfy the SPP Project Initial Transfer Conditions with respect to the Sibley-Nebraska City Project on or before the SPP Project Transfer Deadline, with respect to each SPP Project, the date which is 9 months after satisfaction (or waiver) of all SPP Project Initial Transfer Conditions for such SPP Project.

The Staff reads the above noted portions of KCPL’s and GMO’s Application in File No. EO-2012-0367, responses to Staff Data Request Nos. 0009 and 0063, and the Operating Agreement Of Transource Energy, LLC, as AEP/Transource/Transource

Missouri/GPE/KCPL/GMO indicating that they take the position that Section 393.190.1 does not apply subsequently to a transfer of all or a part of the Iatan-Nashua 345kV transmission line or the Sibley-Nebraska City 345kV transmission line if the MoPSC grants the authority requested by them in File Nos. EA-2013-0098 and EO-2012-0367. Is the Staff correct in this understanding? If not, why not? Is Great Plains Energy/GPE Transmission Holding Company, LLC/American Electric Power Company/AEP Transmission Holding Company, LLC willing to agree to obtain MoPSC approval before selling, assigning, leasing, transferring, mortgaging or otherwise disposing or encumbering the whole or part of the Iatan-Nashua or Sibley-Nebraska City Projects or 345kV transmission lines necessary or useful in the performance of its/their duties to the public, or by any means, direct or indirect, merging or consolidating such works or system, or any part thereof, with any other corporation, person or public utility? If not, why not?

¹ SPP Project Initial Transfer Conditions means with respect to the Iatan-Nashua Project and the Sibley-Nebraska City Project the conditions set forth in clauses (a) MoPSC transfer order, (b) Line Certificate, and (c) other Third Party Approvals of Section 13.2.1 of the Operating Agreement.

² SPP Project Initial Transfer Conditions Deadline may be tolled on a day-for-day basis, not to exceed an aggregate of 18 months for each day during the pendency of any appeal or other Proceeding that challenges, regarding either SPP project, Third Party approval addressed in the Operating Agreement Section 13.2.1(a) (MoPSC transfer order) or 13.2.1(b) (Line Certificate) clauses.

RESPONSE: (do not edit or delete this line or anything above this)

Objection:

KCP&L, GMO, and Transource Missouri object to this request in that it calls for a legal conclusion. Without waiving such objection, KCP&L, GMO, and Transource Missouri will endeavor to provide a response to this data request.

Response:

Staff's understanding of Transource Missouri's position appears to be incorrect. If the Projects are novated and facilities are transferred to Transource Missouri pursuant to the requested MoPSC approvals, Transource Missouri will be the owner and operator of the Projects. As a result, Transource Missouri would seek approval from the MoPSC for any subsequent transfer of the Projects' facilities, and is willing to agree to obtain the prior approval of the MoPSC. However, Great Plains Energy Incorporated, GPE Transmission Holding Company, LLC, American Electric Power Company, and AEP Transmission Holding Company, LLC will be neither the owner nor the operator of the Projects, and would not agree to seek and obtain such approval.

Attachments:

Objection to DR113.pdf

Q0113 Verification.pdf

Verification of Response

**Kansas City Power & Light Company
AND
KCP&L Greater Missouri Operations**

Docket No. EA-2013-0098

The response to Data Request # 0113 is true and accurate to the best of my knowledge and belief.

Signed: _____



Date: January 18, 2013