

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

In the Matter of Kansas City Power & Light)
Company's Solar Photovoltaic Rebate Program)
Schedule SR.)

File No. ET-2012-0021
Tariff No. JE-2012-0014

STAFF'S RENEWED RECOMMENDATION TO REJECT TARIFF SHEETS

COMES NOW the Staff of the Missouri Public Service Commission and, for its recommendation the Commission reject tariff sheets Kansas City Power & Light Company filed, states:

1. On July 11, 2011, Kansas City Power & Light Company filed two tariff sheets (P.S.C. MO. No. 7 Second Revised Sheet No. 46 and P.S.C. MO. No. 7 Second Revised Sheet No. 46A), bearing effective dates of August 10, 2011, to “freeze” the availability of Kansas City Power & Light Company's Solar Photovoltaic Rebate Program—Schedule SR.

2. Schedule SR is Kansas City Power & Light Company's implementation of § 393.1030.3, RSMo. Supp. 2010, the solar rebate provision of the Missouri Renewable Energy Standard (RES) statute.

3. Although Staff recommended the Commission reject the tariff sheets, by an order issued July 27, 2011 and made effective August 14, 2011, the Commission instead suspended them.

4. On July 28, 2011, within the thirty days over which it retained jurisdiction, the Circuit Court of Cole County set aside its judgment where it declared § 393.1030.3, RSMo. Supp. 2010 unconstitutional. A copy of that order is attached.

5. Subsequently, on August 8, 2011, the Missouri Retailers Association dismissed without prejudice, among other things, its challenge to the constitutionality of § 393.1030.3, RSMo. Supp. 2010. A copy of that pleading is attached.

6. Since, due to intervening events, the basis for Kansas City Power & Light Company's filing no longer exists—not only is the judgment set aside, the challenge has been withdrawn—Staff again recommends the Commission reject the tariff sheets.

WHEREFORE, Staff recommends the Commission reject tariff sheets P.S.C. MO. No. 7 Second Revised Sheet No. 46 and P.S.C. MO. No. 7 Second Revised Sheet No. 46A which Kansas City Power & Light Company filed on July 11, 2011.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams
Deputy Counsel
Missouri Bar No. 35512

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 22nd day of August, 2011.

/s/ Nathan Williams

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19TH JUDICIAL CIRCUIT
DIVISION NO. _____

MO Energy Dev. _____

PSC _____

vs.

10AC-CC00 512
No. _____

Date of Proceeding: _____
Nature of Proceeding: _____

APPEARANCES: _____

ATTORNEY FOR: _____

☐ DOCKET SHEET ENTRY ☐ ORDER ☐ JUDGMENT ☐ STIPULATION ☐ OTHER

☐ AS FOLLOWS ☐ ATTACHED HERETO

☐ AGREED TO BY:

ORDER

On our Motion, Judgment of
June 29, 2011 set aside. While Court's
Judgment is set aside, affected electric
utilities that are currently obligated to pay
Solar rebates pursuant to a tariff approved by
the MO PSC should continue to pay these
rebates in accordance with
their respective
tariffs.

☐ SUBMITTED BY: _____

ATTORNEY FOR: _____

SO ORDERED this 28 day of July 20 11

JUDGE

1

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19TH JUDICIAL CIRCUIT
DIVISION NO. _____

vs. _____

)
)
)
)
)
No. _____

Date of Proceeding: _____

Nature of Proceeding: _____

APPEARANCES:

ATTORNEY FOR:

☐ DOCKET SHEET ENTRY ☐ ORDER ☐ JUDGMENT ☐ STIPULATION ☐ OTHER

☐ AS FOLLOWS ☐ ATTACHED HERETO

☐ AGREED TO BY:

Responses to Motion to Intervene
due by 8/12/11.

☐ SUBMITTED BY:

ATTORNEY FOR:

SO ORDERED this _____ day of _____, 20 _____

#2

JUDGE

FILED

AUG - 8 2011

BRENDA A. UMSTATTO
CLERK CIRCUIT COURT
COLE COUNTY, MISSOURI

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

STATE OF MISSOURI, ex rel.)
MISSOURI RETAILERS ASSOCIATION,)

Relator,)

vs.)

Case No. 10AC-CC00528

PUBLIC SERVICE COMMISSION OF)
THE STATE OF MISSOURI,)

Respondent.)

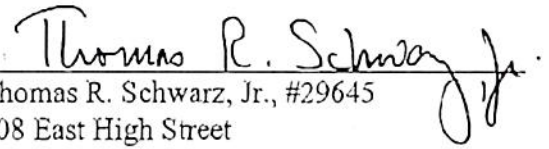
DISMISSAL WITHOUT PREJUDICE

COMES NOW the Missouri Retailers Association, pursuant to Supreme Court Rule 67.02,
and dismisses without prejudice both counts of the above-captioned Petition.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH, L.C.

By:



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above Dismissal Without Prejudice was sent facsimile transmission to the following parties of record this 8th day of August, 2011:

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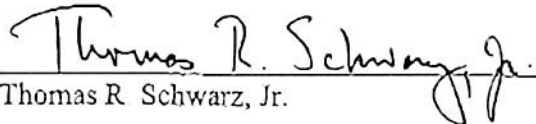
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