

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

Ag Processing, Inc.,)	
)	
Complainant,)	
)	
v.)	<u>File No. HC-2012-0259</u>
)	
KCP&L Greater Missouri Operations Company,)	
)	
Respondent.)	

**NOTICE OF COMPLAINT, NOTICE OF CONTESTED CASE, AND ORDER
PRESERVING DISCOVERY**

Issue Date: January 30, 2012

Effective Date: January 30, 2012

On January 29, 2012, Ag Processing, Inc. (“AGP”), filed a complaint against KCP&L Greater Missouri Operations Company, f/k/a Aquila, Inc., d/b/a Aquila Networks-L&P (“GMO”) in File Number HR-2010-0028. The complaint involves the rate adjustment period for the Quarterly Cost Adjustment (“QCA”) mechanism for steam fuel costs for 2009. Specifically, it applies to the first quarter of 2009 continuing through the fourth quarter of 2009. AGP alleges that \$1,244,510 of natural gas hedging costs during this period were imprudently incurred.

The Commission has docketed this separate file for the complaint action and ordered that all filings made in conjunction with this matter be made in this file. In order to prevent repeating discovery, and the delay and expense of having to do so, any orders, filings, or discovery, including data requests, interrogatories, and any other information gathered in File Number HR-2010-0028 shall be accessible and considered as if that order, filing, or discovery was provided in this matter.

A complaint requires that the Commission set a hearing¹ and thus this matter is a contested case.² A contested case is a formal hearing procedure, but contested cases still allow for waiver of procedural formalities and a decision without a hearing³ in certain circumstances, including by stipulation and agreement.⁴ The Commission also gives notice that its rules of discovery are set forth at 4 CSR 240-2.090.

Commission Rule 4 CSR 240-2.070, allows GMO 30 days from the date of this notice to file an answer or to file notice that the complaint has been satisfied. As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the schedule set forth in this order.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send a copy of the Complaint and a copy of this order to KCP&L Greater Missouri Operations Company's legal department by certified mail.
2. No later than February 29, 2012, KCP&L Greater Missouri Operations Company shall file an answer or notice of satisfaction to the complaint filed by Ag Processing, Inc., on January 29, 2012.

¹ Section 386.390.5, RSMo 2000.

² Section 536.010(4), RSMo, Cum. Supp. 2009.

³ Section 536.060, RSMo 2000.

⁴ 4 CSR 240-2.115.

3. Any orders, filings, or discovery, including data requests, interrogatories, and any other information gathered in File Number HR-2010-0028 shall be accessible and considered as if that order, filing, or discovery was provided in this case.

4. Any party relying on any filings, discovery or Commission orders in File Number HR-2010-0028 must refer to those by EFIS⁵ docket entry number or specific interrogatory number, and shall provide the title and date of such filings or orders through appropriate citation. If prior interrogatories and their responses are referenced that are not a part of File Number HR-2010-0028 they shall be filed in this matter with proper classification as to whether they are public or highly confidential.

5. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Harold Stearley, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 30th day of January, 2012.

⁵ EFIS is the Commission's Electronic Information and Filing System.