

**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-
Tariff No. JE-2012-0014

**STAFF'S MOTION TO OPEN CASE
AND RECOMMENDATION TO REJECT TARIFF SHEETS**

COMES NOW the Staff of the Missouri Public Service Commission and, for its motion to open case and 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. In a June 29, 2011, judgment in consolidated Case Nos. 10AC-CC00512, 10AC-CC00511, 10AC-CC00513, 10AC-CC00528 and 10AC-CC00536, the Circuit Court of Cole County declared § 393.1030.3, RSMo. Supp. 2010 unconstitutional.

4. Court judgments are not final and non-appealable until thirty days have passed after their entry. Rule 75.01. Therefore, if not appealed, the earliest the foregoing judgment will become final and non-appealable is July 29, 2011.

5. Schedule SR is clear on its face that it does not create the right to solar rebates—which is created by § 393.1030.3, RSMo. Supp. 2010—it, instead, establishes the process for seeking

those rebates from Kansas City Power & Light Company, as shown by the purpose stated on tariff sheet no. 46:

PURPOSE:

The Solar Photovoltaic Rebate Program (SPRP or Program) provides rebates to Missouri electric utility retail customers, pursuant to §393.1030, RSMo, who install new or expanded Solar Electric Systems that become operational after December 31, 2009.

6. If the Cole County Circuit Court's judgment becomes final and non-appealable, regardless of Schedule SR, Kansas City Power & Light Company will have no obligation to provide solar rebates to its customers. This is because Schedule SR implements § 393.1030.3, RSMo. Supp. 2010, but does not create any right to solar rebates.

7. If the Cole County Circuit Court's judgment becomes final and non-appealable, Kansas City Power & Light Company may thereafter file tariff sheets to halt the implementation of § 393.1030.3, RSMo. Supp. 2010.

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 that Kansas City Power & Light Company filed on July 11, 2011.

Respectfully submitted,

/s/ Nathan Williams

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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 20th day of July 2011.

/s/ Nathan Williams_____