

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

In the matter of KCP&L Greater Missouri)	
Operations Company's Application)	File No.
For Authorization To Suspend Payment)	
of Certain Solar Rebates)	

**APPLICATION FOR AUTHORITY TO SUSPEND
PAYMENT OF SOLAR REBATES**

Pursuant to 4 CSR 240-2.060, Section 393.1030, and 4 CSR 240-20.100, KCP&L Greater Missouri Operations Company ("GMO") hereby respectfully submits to the Missouri Public Service Commission ("Commission") its application for authorization to suspend the payment of certain solar rebates in 2013 ("Application"). In support of its Application, GMO states as follows:

I. APPLICANT

1. GMO is a Delaware corporation with its principal office and place of business at One Kansas City Place, 1200 Main, Kansas City, Missouri 64105. GMO is primarily engaged in the business of generating, transmitting, distributing, and selling electric energy in portions of western Missouri. GMO is an electrical corporation and public utility as defined in Mo. Rev. Stat. § 386.020 (2000). GMO provided its Amended Certificate of Authority of a Foreign Corporation in Case No. EN-2009-0164, which is incorporated herein by reference.

2. GMO has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which has occurred within three years of the date of this Application other than the following pending action: *Ag Processing, Inc. a Cooperative v. KCP&L Greater Missouri Operations Company*, Case No. HC-2012-0259 and *Earth Island Institute d/b/a Renew Missouri, et al. v. KCP&L*

Greater Missouri Operations Company, Case No. EC-2013-0380 (consolidated with Case No. EC-2013-0379). In addition, no annual report or assessment fees are overdue.

3. Pleadings, notices, orders and other correspondence and communications concerning this Application should be addressed to the undersigned counsel and:

Tim M. Rush
Director Regulatory Affairs
Kansas City Power & Light Company
1201 Walnut – 13th Floor
Kansas City, Missouri 64106
Phone: (816) 556-2344
Fax: (816) 556-2110
E-mail: Tim.Rush@kcpl.com

4. Data requests concerning this Application should be addressed to Regulatory.Affairs@kcpl.com.

II. AUTHORIZATION TO SUSPEND PAYMENT OF SOLAR REBATES

5. On November 4, 2008, Proposition C was adopted by the voters of Missouri and later codified as Section 393.1030 RSMo (Cum.Supp. 2009) which mandated, *inter alia*, that the “commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. . .” Section 393.1030.1. RSMo. (Cum. Supp. 2009). Proposition C also stated that “Such rules shall include: (1)A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility’s cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation. . . “ Section 393.1030.2(1).

6. In compliance with Section 393.1030, the Commission adopted 4 CSR 240-20.100 Electric Utility Renewable Energy Standard Requirements (effective September 30, 2010) which states, *inter alia*, that: “The retail rate impact. . . may not exceed one percent (1%) for prudent costs of renewable energy resources directly attributable to RES compliance.” 4 CSR 240-20.100(5). In addition, Subsection D of 4 CSR 240-20.100(5) states as follows:

For purposes of the determination in accordance with subsection (B) of this section, if the revenue requirement including the RES-compliant resource mix, averaged over the succeeding ten (10)-year period, exceeds the revenue requirement that includes the non-renewable resource mix by more than one percent (1%), the utility shall adjust downward the proportion of renewable resources so that the average annual revenue requirement differential does not exceed one percent (1%). . . (emphasis added)

7. On May 28, 2013, GMO filed its 2013 Annual Renewable Energy Standard Compliance Plan (2013 GMO Plan¹) in File No. EE-2013-0453², pursuant to 4 CSR 240-20.100. In the 2013 GMO Plan, the retail rate impact was calculated by comparing a non-renewable generation and purchased power portfolio to a RES-compliant portfolio with sufficient renewable resources to achieve the renewable standards. This analysis showed that the retail rate impact would exceed the one percent (1%) cap for the years 2013, 2014 and 2015, unless solar rebates were limited to maintain the 1% cap. Since GMO is projected to exceed the 1% retail rate impact in 2013, 2014, and 2015 due to solar rebates, solar rebate payment assumptions were limited to maintain the 1% cap. (See 2013 GMO Plan, p. 13)

¹ The 2013 GMO Plan is incorporated herein by reference.

² On May 29, 2013, the Commission issued its *Order Closing Case, Order Directing Notice And Order Setting Filing Deadline* in File Nos. EE-2013-0453 and EO-2013-0505 directing that notice and establishing a deadline for Staff to file a report and for other interested entities to file comments by July 12, 2013. The 2013 GMO Plan was also filed in File No. EO-2013-0505.

8. On July 3, 2013, Governor Jeremiah (Jay) Nixon signed into law HB 142 which became effective on August 28, 2013 and amends Section 393.1030. HB 142 states in part (codified in Section 393.1030(3)):

If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. . .

9. The purpose of this application is to request that the Commission authorize GMO suspend solar rebate payments in order to meet the statutory and rule requirements to adjust downward the proportion of renewable resources so that the average annual revenue requirement differential does not exceed one percent. Suspension of these solar rebates is requested to begin no later than November 3, 2013. Pursuant to HB 142, the Commission should make its decision in this matter effective within sixty (60) days of the filing of this Application.

10. Supporting testimony from the following witnesses, including the documentation reflecting that the maximum average retail rate increase will be reached, is attached to this application and incorporated herein by reference:

Burton L. Crawford— RES Retail Rate Impact Calculation

Tim M. Rush— Policy/Overview

11. In File No. ET-2014-0026, the parties filed a *Jointly Proposed Procedural Schedule And Procedures* on August 28, 2013, in which the parties agreed to recommend the adoption of the same proposed procedural schedule and procedures in this proceeding, and allow

automatic intervention in this case to the parties granted intervention in File No. ET-2014-0026 in the event GMO withdrew the currently pending tariff sheet in File No. ET-2014-0026 and re-filed a new application involving its solar rebate program, pursuant to HB 142 on or before September 4, 2013. Attached hereto as Exhibit A and incorporated herein by reference is the *Jointly Proposed Procedural Schedule And Procedures* that was filed in File No. ET-2014-0026 on August 28, 2013. As a part of the process of filing the present Application in this case today, GMO is contemporaneously withdrawing the tariffs in File No. ET-2014-0026. The Company, on behalf of itself and the parties to ET-204-0026, requests that the Commission adopt in this case the same proposed procedural schedule and procedures suggested in the *Jointly Proposed Procedural Schedule And Procedures* filed on August 28, 2013 in File No. ET-204-0026, and automatically make the parties in File No. ET-2014-0026 intervenors in this proceeding without the necessity to file new applications to intervene.

WHEREFORE, for the foregoing reasons, GMO respectfully requests that the Commission authorize it to suspend solar rebate payments beginning no later than November 3, 2013, in order to comply with Section 393.1030.2(1) RSMo (Cum.Supp. 2009) and 4 CSR 240-20.100(5). Pursuant to Section 393.1030(3), the Commission should make its decision in this matter effective within sixty (60) days of the filing of this Application. The Company requests, on behalf of itself and the parties to File No. ET-2014-0026, the adoption of the proposed procedural schedule and procedures in the attached pleading filed in File No. ET-2014-0026 on August 28, 2013, and make the parties to File No. ET-2014-0026 intervenors in the current case without the need to file new motions to intervene.

Respectfully submitted,

/s/ James M. Fischer

James M. Fischer, MBN 27543
Email: jfischerpc@aol.com
Larry W. Dority, MBN 25617
Email: lwdority@sprintmail.com
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383

And

Roger W. Steiner, MBN 39586
Corporate Counsel
Kansas City Power & Light Company
1200 Main – 16th Floor
Kansas City, Missouri 64106
Phone: (816) 556-2314
Fax: (816) 556-2787
E-mail: roger.steiner@kcpl.com

**ATTORNEYS FOR KCP&L GREATER
MISSOURI OPERATIONS COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand delivered, emailed or mailed, postage prepaid, to the certified service list in File No. ET-2014-0026 this 4th day of September, 2013.

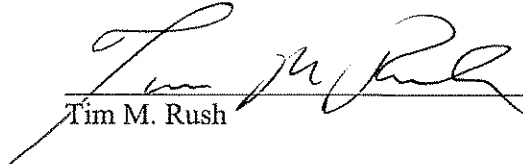
/s/ Roger W. Steiner

Roger W. Steiner

AFFIDAVIT

State of Missouri)
) ss
County of Jackson)

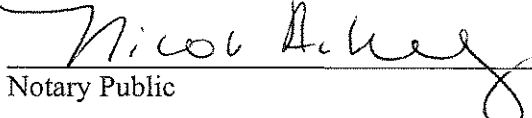
I, Tim M. Rush, having been duly sworn upon my oath, state that I am the Director, Regulatory Affairs of Kansas City Power & Light Company ("KCP&L"), that I am duly authorized to make this affidavit on behalf of KCP&L Greater Missouri Operations Company, and that the matters stated in the foregoing application are true and correct to the best of my information, knowledge and belief.



Tim M. Rush

Subscribed and sworn before me this 4th day of September, 2013.

NICOLE A. WEHRY
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: February 04, 2015
Commission Number: 11391200



Notary Public

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

In the Matter of KCP&L Greater Missouri Operations Company's)
Solar Photovoltaic Rebate Program) File No. ET-2014-0026

JOINTLY PROPOSED PROCEDURAL SCHEDULE AND PROCEDURES

COMES NOW KCP&L Greater Missouri Operations Company ("GMO"), by and through undersigned counsel, and files on behalf of the "Parties" in File No. ET-2014-0026, i. e. KCP&L Greater Missouri Operations Company ("GMO"), the Staff, the Office of the Public Counsel ("Public Counsel"), Missouri Department of Natural Resources ("MDNR"), Brightergy, LLC ("Brightergy"), Missouri Solar Industry Association ("MOSEIA"), Earth Island Institute d/b/a Renew Missouri ("Renew Missouri"), and Missouri Industrial Energy Consumers ("MIEC"), their *Jointly Proposed Procedural Schedule And Procedures*.

BACKGROUND OF PROCEEDING

1. GMO filed its 2013 Annual Renewable Energy Standard ("RES") Compliance Plan and Report, pursuant to 4 CSR 240-20.100, on May 28, 2013. The Commission assigned the matter File No. EO-2013-0505.

2. On July 5, 2013, GMO filed a motion to approve a tariff sheet and a motion for expedited treatment in File No. EO-2013-0505. The Commission ordered parties to file responses to the tariff sheet and motion no later than July 30, 2013.

3. On July 12, 2013, Brightergy and MOSEIA filed pleadings opposing GMO's motion to approve its tariff sheet. On July 30, 2013, Renew Missouri also filed its pleading in opposition to GMO's motion to approve the tariff sheet.

4. On July 31, 2013, Staff filed its Staff Recommendation To Reject Tariff Sheet.

5. On August 1, 2013, the Commission issued its *Order Opening Case To Consider Tariff* in File Nos. EO-2013-0505 and ET-2014-0026 which directed that all pleadings and motions concerning the solar rebate tariff should be filed in File No. ET-2014-0026, and not in File No. EO-2013-0505. (*Order*, p. 1) On August 8, 2013, the Commission issued its *Order Suspending Tariff and Setting Prehearing Conference* in which the Commission scheduled a prehearing conference and suspended the tariffs until October 3, 2013.

6. A prehearing conference was convened on Wednesday, August 21, 2013. At the prehearing, Regulatory Law Judge Ron Pridgin directed the parties to propose a procedural schedule by Wednesday, August 28, 2013.

7. GMO intends to withdraw the current tariff sheet that is the subject of this proceeding in the near future, and re-file a new application requesting authority to suspend solar rebate payments, pursuant to the provisions of HB 142 which will become effective on August 28, 2013. When GMO withdraws its currently pending tariff sheet in File No. ET-2014-0026 on or before September 4, 2013, and re-files a new proceeding involving its solar rebate program, pursuant to HB 142, then the parties agree and recommend that the Commission adopt the proposed procedural schedule and procedures discussed herein for purposes of the new proceeding, pursuant to HB 142. The parties also recommend that the parties to File No. ET-2014-0026 be automatically made parties to the new proceeding without the need for filing motions to intervene. GMO agrees to file this pleading in the new application proceeding contemporaneously with the filing of the new application and thereby request the above-referenced procedural schedule and procedures be adopted in the new application proceeding.

8. As a result of discussions that have occurred among the Parties, the Parties propose the following procedural schedule:

<u>Filing Event</u>	<u>Date</u>
GMO Direct Testimony	9/04/13
Conference Call re: List of Issues	9/06/13
Direct Testimony-Non-GMO Parties	9/10/13
Simultaneous Rebuttal and Cross-Rebuttal Testimony	9/26/13
Simultaneous Surrebuttal and Cross-Surrebuttal Testimony	10/2/13
Settlement Conference/Conference Call	10/4/13
List of Issues, List of Witnesses, Order of Cross Examination and Order of Opening Statements	10/4/13
Position Statements/Prehearing Briefs	10/8/13
Evidentiary Hearings	10/10/13 (1 P.M)-10/11/13
Closing Statements in lieu of Post-Hearing Briefs	(Conclusion of Hearing)

9. The Parties agree to the following times to object to Data Requests, advise of need for additional time to respond, and answer response times:

Response Time To Data Requests Regarding and After Direct Testimony Filing Up To Rebuttal and Cross-Rebuttal Testimony Filing: 5 calendar days to object and advise of need for more than 7 calendar days response time.

Response Time To Data Requests Regarding and After Rebuttal Testimony Filing Up To Surrebuttal and Cross-Surrebuttal Testimony Filing: 5 calendar days to object and advise of need for more than 7 calendar days response time.

Response Time To Data Requests Regarding and After Surrebuttal and Cross- Surrebuttal Testimony Filing: 3 calendar days to object and advise of need for more than 5 calendar days response time.

If a Data Request has been responded to, a copy of such response shall be provided to another requesting Party, unless the responding Party objects to providing the response to such requesting Party. All Parties shall submit their responses to Staff data requests in the Commission's Electronic Filing Information System. If a Data Request has been responded to by GMO through GMO's Caseworks system, GMO will provide another requesting Party access to Caseworks for their review. If a Data Request has not yet been responded to, a copy of such response shall be provided to a requesting Party within the response time set for such underlying Data Request, unless the responding Party objects to providing the response to such requesting Party. If a Data Request has not yet been responded to by GMO, GMO will provide another requesting Party access to Caseworks for their review when the response is provided to the Party that issued the underlying Data Request.

10. All Parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form, essentially contemporaneously with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, or .XLS). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

11. The Parties shall make an effort to not include highly confidential or proprietary information in Data Request questions. If highly confidential or proprietary information must be included in Data Request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

12. Each Party serving a Data Request on another Party shall provide an electronic copy of the text of the "description" of that Data Request to counsel for all other Parties contemporaneously with service of the Data Request. Regarding Staff-issued Data Requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that Data Request shall be considered a sufficient copy. Data Requests served after 5:00 p.m. shall be considered served on the next business day. If a Party desires a copy of the response to a Data Request that has been served on another Party, the Party

desiring such copy shall request a copy of the response from the responding Party. Thus, if a Party desires a copy of a response by GMO to a Staff-issued Data Request, the Party should ask GMO, not the Staff, for a copy of the Data Request response unless there are appropriate reasons to direct the discovery to the Party originally requesting the material. Data Requests, objections to Data Requests, and notifications respecting the need for additional time to respond to Data Requests shall be sent by e-mail to counsel for all Parties. Counsel may designate other personnel to be added to the service list for Data Requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data Request responses will be served on counsel for the requesting Party and on the requesting Party's employee or representative who submitted the Data Request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule.

13. Workpapers that were prepared in the course of developing a witness' direct, rebuttal, cross-rebuttal, surrebuttal, or cross-surrebuttal testimony shall not be filed with the Commission, but, without request, shall be submitted to each Party within one calendar day after the particular testimony is filed. Workpapers, or a complete set of workpapers, need not be submitted to a Party that has indicated it does not want to receive workpapers, or a complete set of workpapers. If there are no workpapers associated with testimony, the Party's attorney shall so notify the other Parties within the time allowed for providing workpapers. Workpapers containing highly confidential or proprietary information shall be appropriately marked.

14. Where workpapers or Data Request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, the Party providing the workpapers or responses shall provide such information in original format with formulas intact, if available.

WHEREFORE GMO, on behalf of the Parties in ET-2014-0026, files the instant *Jointly Proposed Procedural Schedule And Procedures*, and requests that the Commission adopt the

proposed procedural schedule and procedures contained herein, and also adopt the same procedural schedule and procedures and allow automatic intervention in a new case to the current parties granted intervention in this case in the event GMO withdraws the currently pending tariff sheet in File No. ET-2014-0026 and re-files a new application involving its solar rebate program, pursuant to HB 142 on or before September 4, 2013.

Respectfully submitted,

/s/ **James M. Fischer**

James M. Fischer, MBN 27543
Email: jfischerpc@aol.com
Larry W. Dority, MBN 25617
Email: [lwdority@sprintmail.com](mailto:uwdority@sprintmail.com)
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383

And

Roger W. Steiner, MBN 39586
Corporate Counsel
Kansas City Power & Light Company
1200 Main – 16th Floor
Kansas City, Missouri 64106
Phone: (816) 556-2314
Fax: (816) 556-2110
E-mail: roger.steiner@kcpl.com

**ATTORNEYS FOR KCP&L GREATER
MISSOURI OPERATIONS COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand delivered, emailed or mailed, postage prepaid, this 28th day of August, 2013, to all counsel of record in this proceeding.

/s/ James M. Fischer

James M. Fischer