

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	File No. EC-2016-0012
	)	
KCP&L Greater Missouri Operations Company,	)	
	)	
Respondent.	)	

**ANSWER OF KCP&L GREATER MISSOURI OPERATIONS COMPANY**

COMES NOW KCP&L Greater Missouri Operations Company (“GMO”, “Respondent” or the “Company”), and hereby files its Answer to the Complaint filed by the Missouri Public Service Commission (“MPSC” or “Commission”) Staff (“Staff” or “Complainant”) on July 13, 2015.

1. On July 13, 2015, Staff filed a Complaint against GMO, alleging failure to comply with 4 CSR 240-20.093(1)(F). On July 13, 2015, the Commission issued an order requiring GMO to respond to the Complaint no later than August 12, 2015.

2. Any allegation not specifically admitted herein by the Company is denied.

**ANSWER TO SPECIFIC ALLEGATIONS**

3. GMO denies the allegations in paragraph 1.
4. GMO admits the allegations in paragraph 2.
5. GMO admits the allegations in paragraph 3.
6. GMO admits the allegations in paragraph 4.
7. GMO admits the allegations in paragraph 5.

8. Paragraph 6 of the Complaint does not allege any fact, but rather quotes a Missouri statute, which speaks for itself. Consequently, no response is required, but to the extent a response is required, the Company denies the allegations of paragraph 6.

9. Paragraph 7 of the Complaint does not allege any fact, but rather quotes a Commission regulation, which speaks for itself. Consequently, no response is required, but to the extent a response is required, the Company denies the allegations of paragraph 7.

10. Paragraph 8 of the Complaint does not allege any fact, but rather quotes Missouri statutes, which speak for themselves. Consequently, no response is required, but to the extent a response is required, the Company denies the allegations of paragraph 8.

11. GMO denies the allegations in paragraph 9.

12. GMO admits the allegations in paragraph 10.

13. GMO admits the allegations in paragraph 11 in that PY2014 net shared benefits were calculated using the avoided costs in the preferred resource plan most recently adopted by GMO when the subject MEEIA plan was filed and approved.<sup>1</sup> In further response, GMO states that in its PY2013 EM&V evaluation, PY2013 net shared benefits were also calculated using the avoided costs in that very same preferred resource plan.<sup>2</sup> No entity, including Staff, has complained about this even though preferred resource plans with different avoided costs had been more recently adopted by GMO when the PY2013 EM&V evaluation was undertaken.<sup>3</sup>

14. GMO admits the allegations in paragraph 12.

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<sup>1</sup> Case No. EO-2012-0324.

<sup>2</sup> That is, the avoided costs in the resource plan filed in Case No. EO-2012-0324 that was the basis of the avoided costs for current GMO MEEIA plan and EM&V evaluations.

<sup>3</sup> Case No. EO-2013-0358.

15. Paragraph 13 of the Complaint fails to allege any fact, but rather states only a conclusion of law. Consequently, no response is required, but to the extent a response is required, the Company denies the allegations of paragraph 13.

16. GMO denies the characterization of the description of events in paragraph 14 as constituting a “deficiency” but admits that the paragraph is otherwise factually correct.

17. GMO admits these statements were made but denies any implication in paragraph 15 that GMO is required to comply with Staff’s request.

18. GMO admits that Staff counsel contacted GMO by email on June 24, 2015. GMO denies the remainder of paragraph 16.

19. Paragraph 17 of the Complaint fails to allege any fact, but rather states only a conclusion of law. Consequently, no response is required, but to the extent a response is required, the Company denies the allegations of paragraph 17.

### AFFIRMATIVE DEFENSES

#### FIRST DEFENSE

20. The Complaint fails to state a claim upon which relief may be granted and therefore must be dismissed.

#### SECOND DEFENSE

21. The Complaint cannot be maintained because GMO has performed its obligations under the Stipulation filed and approved in File No. EO-2012-0009 and it is in compliance with the Commission’s Order approving the Stipulation, issued in the same file.

### THIRD DEFENSE

22. The Complaint cannot be maintained because the Complaint is an unlawful collateral attack upon the Commission's Order approving the Stipulation in File No. EO-2012-0009, in violation of Section 386.550, RSMo.

### FOURTH DEFENSE

23. The Complaint cannot be maintained because the Complaint requests relief that would violate and otherwise collaterally attack GMO's approved tariffs for its MEEIA cycle 1 programs.

### FIFTH DEFENSE

24. The Complaint fails to invoke the Commission's complaint jurisdiction and cannot be maintained since it fails to allege a "violation of any provision of law, or of any rule or order or decision of the commission," as required to maintain a complaint pursuant to Sections 386.390 and 386.400, RSMo.

**WHEREFORE,** GMO has fully answered the Complaint.

Respectfully submitted,

/s/ Robert J. Hack

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**Counsel for KCP&L Greater Missouri  
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**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 all parties of record this 12<sup>th</sup> day of August, 2015.

*/s/ Robert J. Hack*

Robert J. Hack