

R & S HOME BUILDERS, INC., AND
CAROL AND ARVEL ALLMAN,

Complainants,

V.

KCP&L GREATER MISSOURI OPERATIONS
COMPANY,

Respondent.

File No. EC-2014-0343

**VERIFIED APPLICATION FOR REHEARING
AND/OR MOTION FOR RECONSIDERATION**

COMES NOW Respondent, KCP&L Greater Missouri Operations Company (“GMO”, “Company” or “Respondent”), pursuant to section 386.500 RSMo (2010) and 4 CSR 240-2.160, and in support of this verified application for rehearing and/or motion for reconsideration respectfully states as follows:

1. On September 24, 2014, the Commission issued its *Order Granting in Part Motion to Dismiss and Denying Motion to Amend* (“*Order*”), effective on the date of issuance, in which it 1) dismissed the *Complaint* as to allegations regarding GMO’s alleged conduct in 2013 but 2) denied GMO’s *Motion to Dismiss* regarding GMO’s alleged conduct in 2014. It appears that the Commission denied GMO’s *Motion to Dismiss* as to alleged conduct in 2014 based on the belief that GMO may have ceased paying solar rebates in 2014 prior to receiving authorization from the Commission as required by section 393.1030.3 RSMo (Cum. Supp. 2013).

2. To be clear, GMO did not stop paying solar rebates prior to receiving authorization from the Commission. The Commission authorized GMO to stop making solar rebate payments in Case No. ET-2014-0277 by its *Order Approving Tariff* issued in that Case on

May 28, 2014 and effective on June 8, 2014. This resulted in the effectiveness, as of June 8, 2014, of GMO's tariff sheet 3rd Revised Sheet No. R-62.19, Cancelling 2nd Revised Sheet No. R-62.19 which provides, as relevant here, that:

Company will pay solar rebates for all valid applications received by the Company by November 15, 2013 at 10 AM CST, which are preapproved by the Company and which result in the installation and operation of a Solar Electric System pursuant to the Company's rules and tariffs. Applications received after November 15, 2013 at 10 AM CST may receive a solar rebate payment if the total amount of solar rebates paid by the Company for those applications received on or before November 15, 2013 at 10 AM CST are less than \$50,000,000.

On July 1, 2014, in compliance with the Commission's *Order Approving Tariff* in Case No. ET-2014-0277, GMO filed a notice in that case, with supporting documentation, advising that "the \$50 million rebate payment limit specified in the Non-Unanimous Stipulation in File No. ET-2014-0059 has been reached." Because there are a number of valid applications received by the Company by November 15, 2013 at 10 AM CST which are preapproved but for which documentation confirming installation and operation of a Solar Electric System pursuant to the Company's rules and tariffs had not been received as of July 1, 2014, GMO continues to pay solar rebates in regard to such applications when the required documentation is provided within the time requirements of the Company's rules and tariffs. Therefore, GMO has not yet entirely ceased paying solar rebates to the extent a valid application was received by November 15, 2013 at 10 AM CST.¹

3. Because the Commission's denial of GMO's motion to dismiss the *Complaint* as to GMO's alleged conduct in 2014 was based on the apparent belief that GMO may have ceased paying solar rebates prior to receiving Commission authorization to do so and because, as shown in paragraph 2 above, GMO did not cease paying solar rebates prior to receiving the necessary

¹ Complainants' solar rebate applications were received by GMO after November 15, 2013 at 10 AM CST. GMO received the solar rebate application of R&S Lawn & Sprinkler on November 20, 2013 and received the solar rebate application of Carol J. Allman on April 8, 2014. Therefore, because GMO has paid \$50 million in solar rebates, Complainants are no longer eligible to receive solar rebate payments from GMO.

Commission authorization, rehearing or reconsideration by the Commission is both appropriate and necessary.

4. GMO is also concerned that the Commission's September 24, 2014 *Order* may be based on the mistaken belief that there is a yearly maximum solar rebate cap that changes for GMO from year to year. This is not the case because in File No. ET-2014-0059 the Commission approved an aggregate solar rebate cap for GMO.

a) Prior to receiving authorization to cease making solar rebate payments in 2014, as described in paragraph 2 above, GMO did not stop making solar rebate payments. While GMO did request authorization to stop making solar rebate payments in 2013 (through File No. ET-2014-0059), the resolution of that proceeding (by the Commission's October 30, 2013 *Order Approving Stipulation and Agreement*) did not authorize GMO to stop making solar rebate payments in 2013. In fact, GMO did not stop making solar rebate payments in 2013.

b) The Non-Unanimous Stipulation and Agreement approved by the Commission in File No. ET-2014-0059 established, among other things, that:

- "GMO will not suspend payment of solar rebates in 2013 and beyond unless the solar rebate payments reach an aggregate level of \$50 million incurred subsequent to August 31, 2012."
- "For each company, these levels are referred to herein as the 'specified level'".
- "If and when the solar rebate payments are anticipated to reach the specified level, GMO[or KCP&L] will file with the Commission an application under the 60-day process as outlined in section 393.1030.3

RMSo. to cease payments beyond the specified level in the year in which the specified level is reached **and all future calendar years.**”

(Paragraph II.7.a. on pages 3-4 of the Non-Unanimous Stipulation and Agreement approved by the Commission in File No. ET-2014-0059) (emphasis supplied).

5. Granting rehearing and/or reconsideration would also be appropriate to the extent necessary to correct any mistaken belief that there is a yearly maximum solar rebate cap that changes for GMO from year to year.

WHEREFORE, GMO respectfully requests that the Commission issue its order granting rehearing and/or reconsideration and dismiss the *Complaint* regarding GMO’s alleged conduct in 2014.

Respectfully submitted,

/s/ Robert J. Hack

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**ATTORNEYS FOR KCP&L GREATER
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VERIFICATION

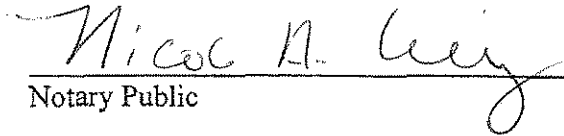
STATE OF MISSOURI)
) SS.
COUNTY OF JACKSON)

I, Brian A. File, having been duly sworn upon my oath, state that I am Senior Manager – Products & Services of Kansas City Power & Light Company (“KCP&L”), that I am authorized to make this verification 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.



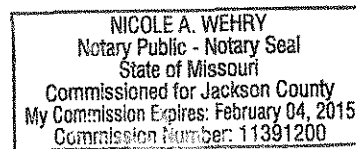
Brian A. File
Senior Manager – Products & Services
Kansas City Power & Light Company

SUBSCRIBED AND SWORN TO before me on this 26th day of September, 2014.



Notary Public

My Commission Expires: Feb. 4, 2015



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this 26th day of September 2014, to the following:

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/s/ Robert J. Hack

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