

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

In the Matter of a Proposed Amendment)	
to Commission Rule 4 CSR 240-3.130,)	Case No. EX-2003-0371
Filing and Reporting Requirements.)	

In the Matter of Proposed Amendment)	
to Commission Rule 4 CSR 240-3.135,)	Case No. EX-2003-0372
Filing and Reporting Requirements.)	

**COMMENTS OF
KANSAS CITY POWER & LIGHT COMPANY**

Pursuant to the instructions attached to the Proposed Rules submitted in these proceedings on April 1, 2005, Kansas City Power & Light Company ("KCPL") hereby submits its comments. The Missouri Public Service Commission ("MPSC") proposes (i) 4 CSR 240-3.130 "Filing Requirements and Schedule of Fees for Applications for Approval of Electric Service Territorial Agreements and Petitions for Designation of Electric Service Areas" ("Territorial Agreement Rule") and (ii) 4 CSR 240-3.135 "Filing Requirements and Schedule of Fees Applicable to Applications for Post-Annexation Assignment of Exclusive Service Territories and Determination of Compensation" ("Post-Annexation Rule"). Although KCPL generally supports the proposed changes to the Territorial Agreement Rule and the Post-Annexation Rule, KCPL offers the following comments, which it respectfully requests that the MPSC consider when finalizing its proposed modifications to these rules.

COMMENTS AND PROPOSED REVISIONS

Formal Legal Descriptions are Unnecessary and Onerous: The proposed versions of the Territorial Agreement Rule and the Post-Annexation Rule would each

require applicants to provide a “legal description of the area” at issue. *See*, Territorial Agreement Rule, at § (1)(A) and Post-Annexation Rule, at § (1)(B). Such a requirement is unnecessary and onerous. Historically, the MPSC has accepted maps outlining an applicant’s service territory, plus a schedule of Townships, Ranges and Sections by county. This information is more readily available, and arguably less confusing than formal legal descriptions. KCPL views the proposed requirement to provide legal descriptions as increasing the burden on applicants without providing any real benefits to the process or public interest. Consequently, KCPL respectfully requests that the MPSC remove from the final versions of the rules the requirement for applicants to provide a legal description of the area at issue.

The Response Times Proposed in the Post-Annexation Rule are too Brief: Section (3) of the proposed Post-Annexation Rule provides that electric suppliers must submit certain information to the MPSC within ten days of receiving notice from the MPSC of a municipality’s application for an exclusive service territory and a determination of compensation. KCPL is concerned that ten days is not a sufficient amount of time for electric suppliers to provide the required information. KCPL acknowledges that Section (4) permits an electric supplier to inform the MPSC that it will need additional time to respond. However, because KCPL anticipates that it will rarely be able to satisfy the ten-day deadline, the rule would make more practical sense if it contained a more achievable deadline. To that end, KCPL respectfully requests that the MPSC grant electric suppliers twenty business days to provide the information required by Section (3) of the proposed Post-Annexation Rule.

The Requirement of Section (3)(C) of the Post-Annexation Rule Should be Clarified: Section (3)(C) of the Post-Annexation Rule provides that an affected electric supplier must provide its “estimate of the fair and reasonable compensation to be paid by the applicant for the existing distribution system within the proposed exclusive electric service territory, for any proposed acquisitions or transfers, including the valuation formulas and factors used to calculate fair and reasonable compensation.” KCPL is concerned that this language, as well as the corresponding provision contained in Section (1)(D) of the Post-Annexation Rule is unclear and potentially confusing. KCPL therefore respectfully requests that the MPSC revise Section (3)(C) of the proposed Post-Annexation Rule to clarify the information that the MPSC intends to require. KCPL further requests that the MPSC make comparable changes to Section (1)(D).

Clarification of Applicant in the Post-Annexation Rule: As one reads the Post-Annexation Rule, it becomes apparent that the applications being discussed in Section (1) of the rule are those to be submitted by municipal electric utilities. Nonetheless, KCPL believes that the rule would be clearer if the rule stated this fact expressly in the first sentence of the Section, as the rule does with respect to Section (3), which applies to electric suppliers. KCPL therefore respectfully requests that the MPSC revise Section (1) of the Post-Annexation Rule to clarify expressly that the section applies to municipal electric utilities.

CONCLUSION

KCPL respectfully requests that the MPSC consider the foregoing comments when finalizing the proposed Territorial Agreement Rule and the proposed Post-Annexation Rule. KCPL contends that the revisions described above will make the rules clearer and easier to implement. Please do not hesitate to contact the undersigned with any comments or concerns.

Respectfully submitted.

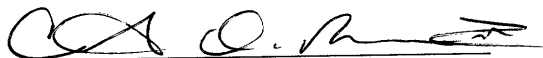
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing comments were served via first class mail, postage pre-paid, on this 9th day of May, 2005, upon each person designated on the official service list compiled by the Commission in this proceeding.

By: 
Curtis D. Blanc

Counsel for Kansas City Power & Light Company