

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 16th
day of January, 2013.

In the Matter of)	
Kansas City Power & Light Company's)	File No. ER-2012-0174
Request for Authority to Implement)	Tracking No. YE-2012-0404
a General Rate Increase for Electric Service)	

and

In the Matter of)	
KCP&L Greater Missouri Operations Company's)	File No. ER-2012-0175
Request for Authority to Implement)	Tracking No. YE-2012-0405
General Rate Increase for Electric Service)	

**ORDER REGARDING RECONSIDERATION OF
ORDER REGARDING FILINGS RELATED TO COMPLIANCE TARIFFS**

Issue Date: January 16, 2013

Effective Date: January 16, 2013

The Missouri Public Service Commission is denying the *Motion for Reconsideration* ("motion") of the Office of the Public Counsel ("OPC").¹

OPC filed the motion on January 11. Staff, Kansas City Power & Light Company, KCP&L Greater Missouri Operations Company, and the Midwest Energy Consumers Group, filed responses on January 15. At issue are the filing dates for responses to tariffs filed in compliance with the *Report and Order*² ("compliance tariffs").³

Compliance tariffs are due on January 16. Staff's recommendation and any other response to the compliance tariffs are due on January 22, at noon. Between those

¹ *Response to Motion for Clarification and Motion for Expedited Treatment*, filed on January 10. All dates are in 2013.

² Issued on January 9, 2013.

³ As adjusted from the *Report and Order* by the *Order Regarding Filings Related to Compliance Tariffs*, issued on January 9, 2013.

points lie 2.5 business days, short time for preparing a recommendation or response to compliance tariffs in three service territories,⁴ according to OPC, Staff,⁵ and MEEG.

But the calendar informs us that 5.5 calendar days are available after the due date for compliance tariffs.⁶ The 3.0-day difference consists of the long State holiday weekend: Dr. Martin Luther King, Jr. Day. No party alleges that those days do not accommodate preparation of the recommendation or other responses. The Commission's experience shows that 5.5 days not an unusually short interval in these circumstances and no party argues that 5.5 days is inadequate. Also, Staff's response to the motion states that examination of the compliance tariffs has already begun.

Further, the statutes show that the General Assembly wants these actions resolved eleven months from their commencement because that is the maximum time before which a filed tariff will take effect by operation of law, unless the Commission acts earlier.⁷ That date is January 26 for the original tariffs rejected in the *Report and Order*. The Commission's agenda that week is scheduled for January 22.

Moreover, delaying the agenda to January 23 or 24 would reduce the time to prepare an application for rehearing on the order that decides the compliance tariffs ("compliance tariff order"). The parties must have time to prepare applications for rehearing on a compliance tariff order.⁸ It is true that a report and order determines virtually all issues on compliance tariffs, so less time is necessary to prepare an application for rehearing on a compliance tariff order than on a report and order.

⁴ KCPL, GMO/LPS and GMO/L&P. Yet Staff states that it has already begun preparing its recommendation.

⁵ Staff does not join in OPC's motion but endorses its arguments.

⁶ The 3.0-days difference consists of the long State holiday weekend: Dr. Martin Luther King, Jr. Day.

⁷ Section 393.150, RSMo 2000.

⁸ *State ex rel. Office of Public Counsel v. Public Service Comm'n of State*, 236 S.W.3d 632, 636 (Mo. banc, 2007).

Nevertheless, reducing that time would not further the General Assembly's intention to have a timely resolution of these actions.

The General Assembly's intent to resolve these actions in a timely manner constitutes good cause for an effective date of less than 30 days for both the *Report and Order* and the eventual compliance tariff order.⁹ Therefore, that legislative intent also supports the dates that the Commission set for filing a recommendation or other response to the compliance tariffs. For those reasons, the Commission will maintain the *Order Regarding Filings Related to Compliance Tariffs*.

THE COMMISSION ORDERS THAT:

1. On reconsideration, the Commission maintains the *Order Regarding Filings Related to Compliance Tariffs*.
2. This order is effective immediately upon issuance.

BY THE COMMISSION

(S E A L)



Shelley Brueggemann
Acting Secretary

Gunn, Chm., Jarrett, R. Kenney, Stoll
and W. Kenney, CC., concur.

Jordan, Senior Regulatory Law Judge

⁹ Sections 386.490.2, RSMo Supp. 2012; and 386.140(11), RSMo 2000.