

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

In the Matter of Kansas City Power & Light	)	
Company's Practices Regarding Customer	)	<b>Case No. EO-2013-0359</b>
Opt-Out of Demand-Side Programs and	)	
Related Issues	)	

**JOINT MOTION TO FORMALLY RE-OPEN THE RECORD AND SCHEDULE AN ON-  
THE-RECORD PREHEARING CONFERENCE**

**COME NOW** Kansas City Power & Light Company ("KCP&L"), the Staff of the Missouri Public Service Commission ("Staff"), Office of the Public Counsel ("Public Counsel"), Midwest Energy Consumers Group ("MECG"), Missouri Industrial Energy Consumers ("MIEC"), and the Missouri Department of Natural Resources ("MDNR")(collectively "Signatories") and respectfully submit their Joint Motion To Formally Re-Open The Record And Schedule an On-the-record Prehearing Conference. In support of this motion, the Signatories state as follows:

1. On July 17, 2013, the Commission issued its Order Denying Rehearing and Reconsideration with which it denied, **effective immediately**, KCP&L's Application for Clarification, Reconsideration and/or Rehearing.

2. As a result of the Commission's refusal to issue an Order approving all of the terms and conditions of the unopposed Nonunanimous Stipulation And Agreement some of the Signatories to this pleading filed on June 4, 2013, as requested in the Non-Unanimous Stipulation and Agreement, and in KCP&L's Motion For Clarification, Reconsideration and/or Rehearing, that settlement is now null, void, and of no effect.

3. Since the settlement in this case is now null, void, and of no effect, there remain live controversies among the parties. The Signatories believe that the

most efficient way to resolve this matter is for the Commission to convene an on-the-record prehearing conference for all the parties to devise a procedural schedule that includes a contested hearing.

4. The Signatories share the belief that the procedures the Commission has utilized in this case will be very detrimental to the future settlement of cases before the Commission, and request that the Commissioners consider the ramifications of these procedures on future proceedings. Contrary to the position expressed in the *Consent Order and Dismissal* issued on June 26, 2013, the Signatories continue to believe the Commission has clear authority to approve stipulations and agreements, consistent with its statutory mandates, Commission rules of practice and procedure, and many years of past practice.<sup>1</sup>

5. Counsel for MEUA has indicated that his client does not oppose this motion.

**WHEREFORE**, for the foregoing reasons, the Signatories respectfully request that the Commission formally re-open the record in this proceeding, and schedule an on-the-record prehearing conference for the parties to devise a procedural schedule that includes a contested hearing.

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<sup>1</sup> See *e.g.*, Section 393.1075.11 RSMo which specifically allows the Commission to approve corporation-specific settlements related to the Missouri Energy Efficiency Investment Act (MEEIA). See *also* Section 386.410 which authorizes the Commission to adopt rules of practice and procedure. 4 CSR 240-2.115(1) states:

(1) Stipulations and Agreements.

(A) The parties may at any time file a stipulation and agreement as a proposed resolution of all or any part of a contested case. A stipulation and agreement shall be filed as a pleading.

(B) The commission may resolve all or any part of a contested case on the basis of a stipulation and agreement.

Respectfully submitted,

STAFF OF THE MISSOURI PUBLIC  
SERVICE COMMISSION

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been emailed, hand-delivered or mailed, First Class, U.S. Mail, postage prepaid this 25th day of July, 2013 to all counsel of record.

/s/ James M. Fischer  
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