

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

In the Matter of a Working Case Regarding	)	
Amendments to the Commission's Ex Parte	)	File No. AW-2016-0312
And Extra-Record Communications Rule	)	

**INITIAL COMMENTS OF KANSAS CITY POWER & LIGHT COMPANY AND
KCP&L GREATER MISSOURI OPERATIONS COMPANY**

Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (collectively "KCP&L") submit these initial comments to the Missouri Public Service Commission ("Commission") pursuant to the Commission's June 28, 2016 *Order Extending Filing Deadline for Comments*, and state as follows:

1. Thank you for the opportunity to offer comments concerning the proposed amendments to the Commission's ex parte and extra-record communications rule. Given the increasing complexity and frequency of issues being heard by the Commission, it is important that the Commission is provided ample opportunity to understand the issues and communicate fairly with those familiar with the issues at hand. We offer these comments in two forms. First, we will provide specific examples where an amended rule could help improve communications and second, we will provide comments on proposed amendments that we believe will improve the impact and workability of the rule.

2. KCP&L is in a unique position with respect to this rule. With multiple service jurisdictions providing electric and steam service to Missouri customers¹, it is likely that KCP&L will be before the Commission with a contested case at almost any given point in time. As such, it is important to have a rule that provides reasonable opportunity to communicate with the office

¹ Kansas City Power & Light Company electric, KCP&L-Greater Missouri Operations Company electric, and KCP&L-Greater Missouri Operations Company steam.

of the commission on general regulatory matters that do not address the merits of the specific facts, evidence, claims or positions presented or taken in a pending case.

3. KCP&L through its membership in The Missouri Energy Development Association (“MEDA”) provided comment to the 2010 rulemaking under case AX-2010-0128.

4. Once the rule was effective, KCP&L sought to comply with the letter and spirit of the rule and the conditions placed on communications. At the time, KCP&L was in the midst of its Comprehensive Energy Plan and the series of rate cases associated with that plant investment. As a result, opportunities for communication outside of contested case proceedings were limited.

5. At the public agenda session held on August 12, 2015, during the Commission’s discussion of KCP&L’s 2015 rate case², a concern was expressed that KCP&L was not communicating sufficiently with the Commission outside of docketed cases. KCP&L subsequently expressed its commitment to address that concern. The Company indicated that its cautious approach was not out of disrespect to the Commission, but rather, out of respect for the regulatory process and the desire to avoid ex parte allegations that had been made in past cases.³ Since that time, KCP&L has dedicated additional resources to its Regulatory Affairs Division to address those concerns, including the creation of a Regulatory Liaison Manager position based in Jefferson City. Additionally, as part of KCP&L’s commitment to communicate with Commissioners on a more regular basis, the Company has organized various outreach activities, including facility tours and presentations made at public agenda sessions.

6. KCP&L agrees that more frequent communication between the Company and the Commission on matters of general regulatory policy is helpful and appreciates that it has been

² Case No. ER-2014-0370

³ See Case No. ER-2009-0089, Motion to Recuse, filed February 13, 2009; and Notice of Non-Participation filed March 19, 2009. See also Case No. EM-2007-0374, Notice of Recusal, filed December 6, 2007; and Motion to Dismiss, filed December 13, 2007. See also Case No. ER-2007-0291, Motion for Recusal of Commissioner Appling, filed October 5, 2007; and Response to Requests for Recusal, filed October 9, 2007.

able to engage in increased dialogue with the Commission. That being said, there have also been some recent difficulties in having this dialogue due to pending rate proceeding(s)⁴ and what the Company views as an overly conservative interpretation of the ex parte rule. For example, the Company attempted to schedule the following presentations at public agenda presentations which were later canceled due to ex parte concerns.

Proposed Date	Proposed Topic
May 11, 2016	Great Plains Energy, Inc. Business Update Presentation
June 8, 2016	Great Plains Energy Incorporated Acquisition of Westar Energy, Inc.
August 3, 2016	Cybersecurity

7. KCP&L believes these are important matters and, in two instances, would have covered topics individual Commissioners had actually requested KCP&L to address in a public forum. KCP&L believes that these proposed presentations covered items of general regulatory policy, as defined in 4 CSR 240-4.020 (1)(J), rather than the merits of the specific facts, evidence, claims or positions presented or taken in a pending case. KCP&L raises these matters in the context of this working docket with the goal of developing an ex parte rule that will permit such communications in the future.

8. Interpreting and applying any new rule on this topic reasonably will be nearly as important as the specific terms of the new rule itself. As such, in interpreting and applying the definition of “Substantive Issue” the Commission must differentiate between educational and informational communications and communications that address the merits of the specific facts, evidence, claims or positions presented or taken in a pending case. The former should not be thwarted by an overly restrictive interpretation or application of the rule, especially when the

⁴ Case No. ER-2016-0156, and later Case No. ER-2016-0285

communication occurs in a public forum such as the Commission's noticed agenda sessions, where the entirety of such communications can be readily observed.

9. The proposed amendments at 4 CSR 240.4.040 identify examples of communications that are not ex parte or extra record communications. The proposed rule identifies four categories, where the existing rule contains nine. It is unclear why certain categories, such as information regarding a regional transmission organization, have been removed. KCP&L submits that this section of the rule deserves further discussion to ensure that the Commission receives relevant and important information from utilities on a timely basis.

10. KCP&L has reviewed and is supportive of the comments offered by MEDA on behalf of its members. The company believes these comments are consistent with and complement the comments offered here.

WHEREFORE, KCP&L respectfully submits these reply comments.

Respectfully submitted,

/s/ Robert J. Hack

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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 this 22nd day of August, 2016, to all parties of record.

/s/ Robert J. Hack

Robert J. Hack