

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

The State of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	
)	Case No. EC-2011-0250
KCP&L Greater Missouri Operations Company)	
)	
)	
Respondent.)	

**MISSOURI DEPARTMENT OF NATURAL RESOURCES'
RESPONSE TO KCP&L GREATER MISSOURI OPERATIONS
COMPANY'S ANSWER**

COMES NOW Missouri Department of Natural Resources ("MDNR") and, for its response to KCP&L Greater Missouri Operations Company's (GMO) Answer, states as follows:

1. On February 8, 2011, the Staff of the Missouri Public Service Commission ("Staff") filed its Complaint against KCP&L Greater Missouri Operations Company ("GMO") alleging that GMO's January 28, 2011, GMO Chapter 22 Integrated Resource Plan ("IRP") filed in Case No. EE-2009-0237 violated a *Nonunanimous Stipulation and Agreement* ("Stipulation") between GMO, Staff and other parties. The Stipulation had been approved by the Commission on June 2, 2010. On March 11, 2011, GMO filed its answer.

2. MDNR was an active participant in Case No. EE-2009-0237, and a signatory to the Stipulation in which GMO agreed to submit a revised IRP filing on December 18, 2010, to address certain alleged deficiencies and concerns identified by MDNR and other parties. MDNR was also an active participant in the Stakeholder Process Agreement (SPA) set out in the Stipulation. Based on its participation in the SPA, DNR expected GMO to file an IRP that was in compliance with the terms of the Stipulation and consistent with discussions that occurred in

the SPA. MDNR concurs with Staff that parties to the Stipulation understood the "revised filing" would include a revised preferred resource plan in accordance with the Chapter 22 provisions cited in Staff's complaint. The language of the Stipulation provides evidence of this expectation. Appendix 1, paragraph 30 refers to "the preferred resource plan selected by GMO in its revised IRP filing." This language was accepted by all parties to the Stipulation including GMO.

3. MDNR has an interest in ensuring that the provisions of the Stipulation are fulfilled so that MDNR receives the benefit of the bargain it made with GMO and other parties in the Stipulation which the Commission approved. MDNR requests the Commission to deny GMO's motion to dismiss and investigate further the failure of the January 18, 2011, filing to comply with the terms of the Stipulation. DNR encourages the Commission to review the statements in Paragraph 6 of GMO's January 18 filing in the context of the stakeholder process conducted under the Stipulation. GMO had ample opportunity during the stakeholder process to discuss with the other parties its conclusion that the preferred resource plan was no longer appropriate and to discuss a schedule for completing the analysis required for a revised preferred resource plan in a timely manner. GMO did not take advantage of this opportunity; did not consult with stakeholders prior to requesting the delay of its revised filing to January 2011, did not discuss its decision to omit a preferred resource plan from its January 2011 filing, and arbitrarily determined that it would take several additional months to review two areas it deemed to be changed circumstances. In doing so, GMO also deprived the other parties the ability to avail themselves of the provision of the stipulation wherein the participants reserved the right to take any disputes concerning implementation or action items related to GMO's IRP, revised IRP or supplemental filings to the Commission for resolution. MDNR urges the Commission to look

into this matter further and require GMO to act in compliance with the terms ordered by the Commission when it approved the Stipulation and Agreement on June 2, 2010.

WHEREFORE, the Missouri Department of Natural Resources respectfully submits this Response to Answer and requests the Commission to reject GMO's motion to dismiss this complaint.

Respectfully submitted,

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Resources**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been electronically mailed to all counsel of record this 7th day of April, 2011.

/s/ Jennifer S. Frazier
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