

*a. Donnell*

**KPL  
GAS  
SERVICE**

LAW DEPARTMENT

**THE KANSAS POWER AND LIGHT COMPANY**

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January 31, 1989

**NEXT DAY DELIVERY**

Harvey Hubbs, Secretary  
Missouri Public Service Commission  
301 West High  
Jefferson City, MO 65101

**FILED**

**FEB 1 1989**

Re: File No. 8900300  
*Case No. ER-89-143*

**PUBLIC SERVICE COMMISSION**

Dear Mr. Hubbs:

Enclosed please find an original and 14 copies of a **MOTION TO SUSPEND TARIFF FILING, ESTABLISH DOCKET, AND APPLICATION TO INTERVENE** to be filed on behalf of The Kansas Power and Light Company.

Very truly yours,

*Michael C. Pendergast*  
Michael C. Pendergast  
Regulatory Affairs Attorney

MCP:jb  
Enc.

xc: Mark English  
Mike Straub  
Martha Hogerty

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

FEB 1 1989

PUBLIC SERVICE COMMISSION

In the matter of the filing of )  
The Kansas City Power and Light )  
Company to revise Rate )  
Schedule GA. )

File No. 8900300

ER-89-143

**MOTION TO SUSPEND TARIFF FILING,  
ESTABLISH DOCKET, AND APPLICATION TO INTERVENE**

COMES NOW The Kansas Power and Light Company (KPL) and, pursuant to 4 CSR 240-2.080 and 4 CSR 240.2.110(11)-(13) of the Commission's Rules and Regulations, moves the Commission to suspend the tariff filing made by The Kansas City Power and Light (KCPL) on January 13, 1989, and to establish a docket for purposes of considering said tariff filing. KPL further requests leave to intervene in any docket established by the Commission to consider KCPL's tariff filing. In support thereof, KPL states the following:

1. KPL is a local distribution company (LDC) providing retail natural gas service to consumers in Missouri.

2. Correspondence, orders and other communications in regard to this application and proceeding should be addressed to:

Martin J. Bregman  
Assistant General Counsel -  
Regulatory Affairs  
The Kansas Power and Light Company  
P.O. Box 889, 818 Kansas Avenue  
Topeka, KS 66612

Michael C. Pendergast  
Regulatory Affairs Attorney  
The Kansas Power and Light Company  
P.O. Box 889, 818 Kansas Avenue  
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Richard A. Dixon, Director  
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The Kansas Power and Light Company  
P.O. Box 889, 818 Kansas Avenue  
Topeka, KS 66612

3. On January 13, 1989, KCPL filed with the Commission a proposed revision to its all electric rate schedule GA. According to KCPL, the purpose of the proposed revision was to "clarify" the applicability provision of rate schedule GA, which currently states that the GA rate is "applicable to a multiple-occupancy building only when the tenants or occupants of the building are furnished with electric service on a rent inclusion basis and service to such multiple-occupancy building was supplied continuously under this schedule from a date prior to May 6, 1978." (Emphasis supplied).

4. As KCPL noted in the transmittal letter accompanying its revised GA rate schedule, KPL raised questions in Case No. ER-89-27 regarding the circumstances under which the GA rate had been made available to certain multiple-occupancy commercial buildings. More specifically, KPL asked whether (1) KCPL currently offered all electric rates under rate schedule GA to multiple-occupancy buildings; (2) if so, how many of those buildings first received service from KCPL after May 6, 1978; and (3) how KCPL reconciled the offering of rate schedule GA to multiple-occupancy buildings first receiving service after May 6, 1978, given the applicability provisions of that rate schedule. (See Data Requests and Responses, attached as Exhibit No. 1.)

In response, KCPL indicated that it did indeed offer service under rate schedule GA to non-residential multiple-occupancy buildings, but that information was not "readily available" regarding how many of those multiple-occupancy buildings first received service after May 6, 1978. With regard to the issue of how an offering of GA rates to post-May 6, 1978 buildings could be reconciled with the applicability provisions of rate schedule GA, KCPL referenced Rule 5.03 of its General Rules and Regulations, which it claimed clarifies KCPL's ability to offer the GA rate to non-residential customers. KCPL also indicated that it would file with the Missouri Commission on or before January 6, 1989, a revision to rate schedule GA incorporating the clarification reflected in Rule 5.03 directly in the applicability section of the schedule.

5. In the January 13, 1989, filing that followed, KCPL has proposed revisions to the applicability section of Rate Schedule GA which are ostensibly designed to "clarify" KCPL's authority to offer the GA rate to commercial multiple-occupancy buildings, including those first receiving service after May 6, 1978. According to KCPL, this clarification is consistent with KCPL's "current practices" as well as Rule 5.03 and previous filings made by KCPL.

6. While the proposed revisions requested by KCPL may be consistent with its current practices, they can by no means be construed as a "clarification" of any existing authority on the part of KCPL to offer the GA rate to commercial

multiple-occupancy buildings that first received service after May 6, 1978. By its very terms, the current applicability provision of Rate Schedule GA clearly and unambiguously precludes the offering of the GA rate to all multiple-occupancy buildings first receiving service from KCPL after May 6, 1978, including commercial buildings. Moreover, there is nothing in either Rule 5.03 or in previous filings made by KCPL to suggest that the applicability language of rate schedule GA means something different from what is clearly stated therein. Contrary to KCPL's assertion, Rule 5.03 simply addresses the circumstances under which electric service may be "redistributed" by KCPL's customers. It does not in any manner indicate, let alone determine, what rate schedule is applicable to those multiple-occupancy buildings where redistribution is permitted. In fact, all that Rule 5.03 states in this regard is that service will be furnished "under an applicable rate schedule."

7. Nor does the April 19, 1984 filing or other filings cited by KCPL in its January 11, 1989 transmittal letter provide any basis for reinterpreting the clear applicability language of rate schedule GA. Although the stated purpose of the April 19, 1984 filing was to provide non-residential all electric customers with an "alternative" to the separately-metered rate for space heating, there is nothing in that filing to suggest that the alternative was to be made available to multiple-occupancy commercial buildings first receiving service after May 6, 1978, particularly in light of

the specific language of rate schedule GA which explicitly precludes such a result.

8. Based on the foregoing, it appears that KCPL's proposed "clarification" to the GA rate schedule is simply an attempt to obtain, on both a retroactive and prospective basis, Commission authorization for its practice of offering the GA rate to multiple-occupancy commercial buildings first receiving service after May 6, 1978. Such authority cannot be retroactively granted, however, merely by adopting an interpretation of rate schedule GA that is fundamentally inconsistent with that rate schedule's explicit language.

9. Nor should such authority be granted on a prospective basis without a careful review of the reasonableness and propriety of KCPL's requested extension of the GA rate to multiple-occupancy buildings in which service began after May 6, 1978. Among other consequences, such a rate offering produces a negative effect on competition for the summer cooling and cooking loads of commercial customers that take service under the GA rate. For example, since the GA rate schedule is only available to customers that utilize electricity for their cooling loads, customers who wish to utilize gas air conditioning instead are penalized in that they are forced to forego the substantial electric service rate discounts available under the all electric GA tariff. In addition to being anti-competitive, this feature of the GA rate schedule has the effect of encouraging customers to add load at the time of KCPL's summer peak. Since one of the purposes for

the April 19, 1984 filing cited by KCPL in its transmittal letter was to "test various rate designs and identify those which are effective in reducing peak load growth" (see KCPL's transmittal letter of April 19, 1984), it is difficult to discern a rationale for extending the applicability of a rate schedule that encourages the development of summer air conditioning load at the expense of other energy alternatives, in particular those such as gas service, whose consumers would benefit from improved load factor.

10. In light of the above considerations, KPL believes that KCPL's tariff filing of January 11, 1989, should be suspended pursuant to Section 393.150 (RSMo 1986), and a docket established within which interested parties can conduct discovery and review in greater detail the reasonableness and propriety of the revisions proposed by KCPL to Rate Schedule GA. As a first step in that process, KPL would request that the Commission direct KCPL to specify which multiple-occupancy commercial buildings first receiving service after May 6, 1978, are currently being served under rate schedule GA, including the dates and circumstances under which service to those customers was initiated by KCPL.

11. Since KPL provides natural gas service in many of the areas served by KCPL, KPL has a direct and substantial interest in KCPL's proposed revisions to Rate Schedule GA. Moreover, it is an interest that cannot be adequately represented by any other party.

WHEREFORE, for the foregoing reasons, KPL respectfully requests that the Commission issue an order (1) suspending the tariff filing made by KCPL on January 11, 1989; (2) opening a docket to consider said tariff filing; (3) granting KPL's application to intervene and participate fully in that docket; and (4) requiring KCPL to provide the information specified herein.

Respectfully submitted,

THE KANSAS POWER AND LIGHT COMPANY

By Michael C. Pendergast  
Michael C. Pendergast  
Regulatory Affairs Attorney  
P.O. Box 889, 818 Kansas Avenue  
Topeka, KS 66612  
(913) 296-6404

Dated: January 31, 1989



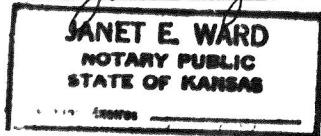
STATE OF KANSAS  
COUNTY OF SHAWNEE

)  
) ss:  
)

Michael C. Pendergast, of lawful age, being first duly sworn, deposes and says he is the Regulatory Affairs Attorney of the above-named Applicant, that he has read the foregoing document and knows the contents thereof, and the statements and allegations therein contained are true to the best of his knowledge and belief.

Michael C. Pendergast  
Michael C. Pendergast

Subscribed and sworn to before me this 31st day  
of January, 1989.



Janet E. Ward  
Notary Public

My Appointment Expires:

9-13-89