

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of a Repository File Concerning The )  
Kansas City Power & Light Company's ) **File No. EO-2011-0277**  
Submission of its 2011 RES Compliance Plan )

**KANSAS CITY POWER & LIGHT COMPANY'S  
RESPONSE TO COMMENTS OF RENEW MISSOURI**

**COMES NOW** Kansas City Power & Light Company ("KCP&L") pursuant to 4 CSR 240-2.080, and respectfully submit this Response To the Comments of Renew Missouri filed May 31, 2011, stating the following:

1. On April 15, 2011, KCP&L submitted its Renewable Energy Standard (RES) Compliance Plans for calendar years 2011 through 2013.

2. On May 31, 2011, the Staff of the Commission filed its Staff Report And Recommendation in Case Nos. EO-2011-0277 and -0278 which indicated that "Staff has not identified any deficiencies" in the RES Compliance Plans of the Companies. (Recommendation, p. 1, Attachment A).<sup>1</sup>

3. On May 31, the Missouri Coalition for the Environment, d/b/a Renew Missouri filed substantially similar comments in both dockets which made identical recommendations which will be addressed herein.

4. First, KCP&L would point out that it has fully complied with the RES Rules, and the Commission Staff has investigated their compliance, and found that it has complied. Any suggestion by Renew Missouri to the contrary must be rejected.

---

<sup>1</sup> However Staff did note a minor "discrepancy" in the KCP&L Plan. This discrepancy related to the inclusion of a renewable generating facility that was a GMO facility rather than a KCP&L facility. Staff did not consider this discrepancy to be a concern. As contemplated in the Staff report the discrepancy was discussed with KCP&L and the ownership of the facility was confirmed. Otherwise, the Staff found KCP&L to be in compliance with the Renewable Energy Standard rules.

5. Second, Renew Missouri argues that the Commission should prohibit what it calls “retroactive REC banking.” (Comments, p. 3) KCP&L believes the statute is very clear, stating “An unused credit [REC] may exist for up to three years from the date of its creation.” (§393.1030.2, RSMo). However, if the Commission agreed with Renew Missouri’s position, it would clearly and unequivocally penalize KCP&L its early adoption of a resource strategy that included renewable resources. The Commission should not encourage public utilities to wait for the adoption of statutory mandates before they adopt resource planning strategies that promote the public interest. Since the Companies had renewable energy resources in place for more than three years, they are entitled to use the RECs previously generated for 2011 compliance.

6. Third, Renew Missouri recommends that the Commission open another rulemaking docket to prohibit “REC banking.” This recommendation should also be rejected. Renew Missouri participated in the RES rulemaking docket that promulgated and adopted the existing RES rules. As explained above, the statute itself allows RECs to remain effective for three (3) years. There is no reason for the Commission to revisit the rules so soon after their adoption.

7. Finally, Renew Missouri argues that this Commission should order the Companies to “commence the DNR certification process for its renewable energy resources.” (Comments, p. 3) This step is totally unnecessary. The Companies have already begun the certification process with the Department of Natural Resources, submitting certification applications for all Company-owned facilities. The Companies intend to complete this process to the satisfaction of the Department of Natural Resources in advance of the annual compliance report filing.

**WHEREFORE**, KCP&L submits its response to the Comments of Renew Missouri, and recommends that the Commission adopt the recommendations of the Staff in these dockets.

Respectfully submitted,

/s/ James M. Fischer

James M. Fischer      MBN 27543  
Fischer & Dority, PC  
101 Madison, Suite 400  
Jefferson City MO 65101  
Phone: (573) 636-6758  
Fax: (573) 636-0383  
[jfischerpc@aol.com](mailto:jfischerpc@aol.com)

Roger W. Steiner      MBN 39586  
Corporate Counsel  
Kansas City Power & Light Company  
1200 Main Street  
Kansas City, MO 64105  
Phone: (816) 556-2314  
[Roger.Steiner@kcpl.com](mailto:Roger.Steiner@kcpl.com)

Attorneys for Kansas City Power & Light Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail to Jennifer Hernandez, attorney for Staff, Henry Robertson, attorney for Renew Missouri, and Lewis Mills, attorney for the Office of the Public Counsel on this 10<sup>th</sup> day of June, 2011.

/s/ James M. Fischer  
James M. Fischer