

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

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

RESPONSE TO ORDER DIRECTING FILING

COME NOW the Midwest Energy Consumers' Group ("MECG") and the Missouri Industrial Energy Consumers ("MIEC") and, for their Response to the Commission's January 23, 2013 Order Directing Filing, respectfully state as follows:

1. On January 18, 2013, KCPL and Staff filed a Joint Application designed to address certain issues regarding KCPL's implementation of Section 393.1075 as it applies to customers that have opted out of KCPL's energy efficiency costs under Section 393.1075.5. On January 23, 2013, concerned that the application seeks an "advisory opinion," the Commission issued an order asking parties to file pleadings discussing "the relief sought in a Commission decision on KCPL's practices."

2. Through this pleading, MECG and MIEC are not addressing the substance of any of the issues to be addressed in this docket. Rather, consistent with the Commission's directive, MECG and MIEC address the misplaced notion that this application simply seeks an advisory opinion.

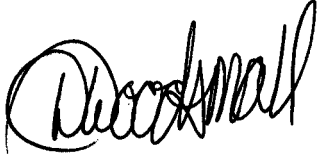
3. Section 393.1075.7 provides statutory authority for certain customers to opt out of KCPL's energy efficiency costs whether incurred "under this section or by any other authority." Despite the objection of MECG and MIEC, the Commission approved tariffs in the pending KCPL case which charge these opt out customers with energy

efficiency costs. As such, MEGC and MIEC assert that it is critical that the Commission rectify this unlawful action by taking steps in the context of this docket which corrects KCPL's tariffs so that these customers are not charged for these costs.

4. Consistent with this goal, MEGC and MIEC point out that the Commission is empowered with certain authority under Section 393.1075.10. Specifically, that section provides that "the commission shall provide oversight and may adopt rules and procedures and approve corporation-specific settlements and tariff provisions, independent evaluation of demand-side programs, as necessary, to ensure that electric corporations can achieve the goals of this section." With this in mind, as part of this docket, MEGC and MIEC will be requesting that the Commission approve corporation-specific tariff provisions that ensure that KCPL can achieve the goals of this section – more specifically Section 393.1075.7.

WHEREFORE, MEGC and MIEC respectfully request that the Commission act in an expeditious fashion to take necessary actions under Section 393.1075 to ensure that opt out customers are not charged for KCPL's energy efficiency costs.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



David L. Woodsmall

Dated: February 14, 2013