

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

In the Matter of the Application of Kansas City)
Power & Light Company for Approval to)
Make Certain Changes in its Charges for)
Electric Service to Implement its Regulatory)
Plan.)

Case No. ER-2010-0355

**MOTION FOR EXPEDITED CONSIDERATION AND
APPROVAL OF TARIFF SHEETS FILED IN COMPLIANCE WITH
COMMISSION ORDER ON LESS THAN THIRTY DAYS' NOTICE**

COMES NOW Kansas City Power & Light Company (“KCP&L”) and for its Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days’ Notice respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On April 12, 2011, the Commission issued its *Report and Order* herein, authorizing KCP&L to increase its annual revenues by approximately \$34.8 million.¹ Among other things, the *Report and Order* directs KCP&L to file by April 18, 2011, revised tariff sheets that comport with the *Report and Order*. (*Report and Order*, Ordered Paragraph 3, p. 182)

2. KCP&L respectfully requests expedited approval of its tariff sheets. Specifically, KCP&L requests an effective date of May 4, 2011 as contemplated in the *Report and Order* and requested in the application that initiated this proceeding. Section 393.140(11) provides that “The commission for good cause shown may allow changes without requiring the thirty days’ notice under such conditions as it may prescribe.” To show good cause for approval of the revised tariff sheets to be effective for electric service rendered on and after May 4, 2011, KCP&L states that the tariff sheets have been filed in compliance with the Commission’s *Report and Order* herein.

¹ See Staff’s Response To Order Directing Filing (filed April 14, 2011).

3. KCP&L requests approval of the revised tariff sheets to be effective on May 4, 2011, as this would be consistent with the requirements of the law and long-standing Commission custom, practice and precedent.

4. Section 393.150.1 RSMo. authorizes the Commission to suspend the effectiveness of rate schedules for a period of one hundred and twenty days beyond the proposed effective date. In addition, the Commission” . . . may, in its discretion, extend the time of suspension for a further period **not exceeding six months.**” Section 393.150.2 (emphasis supplied). As a creature of statute, the Commission has only such powers as are expressly conferred by the statutes and those reasonably incidental thereto. *State ex rel. Kansas City Transit, Inc. v. Public Ser. Comm’n*, 406 S.W.2d 5 (1966). The Commission therefore has no authority to suspend the effectiveness of rate schedules for a period longer than one hundred and twenty days plus six months beyond the proposed effective date.

5. KCP&L initiated this rate proceeding on June 4, 2010, by the filing of tariff sheets that bore a proposed effective date of May 4, 2011. The full suspension period permitted under the law expires on that date. Accordingly, unless the Commission approves the revised tariff sheets filed by KCP&L to be effective on May 4, 2011, the Commission will violate Section 393.150. The Commission itself has an extended history of acting in accordance with this interpretation of Section 393.150. *See e.g. Re Kansas Power & Light Company*, Case No. ER-2007-0291. KCP&L therefore requests nothing more than compliance with the law and past Commission precedent and practice.

6. Should the Commission deny this motion and delay the effectiveness of the revised tariff sheets KCP&L has filed in compliance with the *Report and Order* beyond May 4, 2011, (the operation of law date pursuant to Section 393.150), KCP&L will be denied recovery of a certain portion of the rate relief to which the Commission has already found KCP&L to

be entitled. This would be unlawful, unjust, unreasonable, confiscatory and, in KCP&L's opinion, a result not intended by the Commission. There will be no negative effect on KCP&L's customers or the general public if the Commission grants this motion and approves the tariff sheets to be effective on and after May 4, 2011.

WHEREFORE, KCP&L respectfully requests that the Commission grant the Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days' Notice and approve the tariff sheets KCP&L has filed on April 18, 2011 to be effective for service rendered on and after May 4, 2011.

Respectfully submitted,

/s/ Roger W. Steiner

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**ATTORNEYS FOR
KANSAS CITY POWER & LIGHT COMPANY**

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, to all parties of record this 18th day of April, 2011.

/s/ Roger W. Steiner _____
Roger W. Steiner