

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

In the Matter of the Application of The)
Cathedral Square Corporation, a Missouri)
Non-Profit Corporation, For a Variance)
from Kansas City Power & Light) Case No. EO-2012-0141
Company's General Rules and Regulations)
Requiring Individual Metering)

STATEMENT OF POSITION OF KANSAS CITY POWER & LIGHT COMPANY

Kansas City Power & Light Company ("KCP&L") submits this Statement of Position in accord with the Commission's *Order Setting Procedural Schedule* issued January 19, 2012.

LIST OF ISSUES

1. Does Missouri law i.e. Section 393.140(11), RSMo, give the Commission the authority to grant variances to provisions of KCP&L's tariffs?

KCP&L Position: Yes. The Commission has previously determined that this statute gives the Commission the authority to grant variances. See Case No. EE-2006-0123 (Application of WST, Inc.)

2. Does 4 CSR 240-20.050(2) of the Commission's regulations, which provides that "each residential and commercial unit in a multiple-occupancy building construction of which has begun after June 1, 1981 shall have installed a separate electric meter for each residential or commercial unit", require the Cathedral Square Towers building located at 444 W. 12th Street in Kansas City, Missouri to have installed a separate electric meter for each residential or commercial unit?

KCP&L Position: No.

3. If (a) the Commission does have the authority to grant variances to provisions of KCP&L's tariffs, and (b) 4 CSR 240-20.050(2) does not require the Cathedral Square Towers building to have installed a separate electric meter for each unit, then should the Commission grant CSC its requested variance to the pertinent provisions of KCP&L's tariffs requiring separate metering, i.e. 5.01 and 5.03 of its General Rules and Regulations Applying to Electric Service, and permit the installation of a master electric meter for the Cathedral Square Towers?

KCP&L Position: No. CSC is requesting a variance so that it can attempt to qualify for a lower General Service rate. CSC's desire for a lower rate is not sufficient reason to grant a variance from the requirement to individually meter its premises. CSC's facility was built in the 1970's with individual metering for each residential unit and is in compliance with PURPA requirements. Had the facility been built with one meter providing service to the entire facility, the facility would have been billed under the residential rate with a multiplier for each unit served, which is consistent with other facilities served by KCP&L.

Staff and the Electric Meter Variance Committee agree that rate differential savings is not a sufficient basis for a variance. However, both Staff and the Committee support the variance request because of the characteristics of CSC's residents, facilities and charitable purpose. KCP&L does not believe that these characteristics make the case for a variance and that if the variance is granted CSC's facility will not be PURPA

compliant. If CSC ultimately ends up with a lower rate due to the variance, then other customers will subsidize CSC's charitable purpose.

4. If the Commission grants CSC the variance from the separate meter requirements of the KCP&L tariffs, would the Cathedral Square Towers building qualify for KCP&L's Residential Service rate schedule or its General rate schedules?

KCP&L Position: CSC is a residential facility. KCP&L's General Service rate schedules prohibit their use for residential purposes. CSC, even with a variance from the requirement to provide individual metering, would still be served under KCP&L's Residential Service rate schedule for the residential portion of their use. The public service portion of the facility is already separately metered and served on the Large General Service commercial rate schedule in accordance with KCP&L's tariff 5.02, Public Service Metering for Lessor.

Respectfully submitted,

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Dated: April 9, 2012

Certificate of Service

I hereby certify that a true and correct copy of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all parties of record on this 9th day of April, 2012.

/s/ Roger W. Steiner
Attorney for KCP&L