

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Resource Plan of                    )  
Kansas City Power & Light Company                    )     File No. EO-2012-0323

**REQUEST FOR HEARING**

COME NOW Sierra Club, the Office of the Public Counsel and Natural Resources Defense Council (collectively “Stakeholders”), and respectfully request a hearing in this proceeding pursuant to 4 CSR 240-22.080(10) regarding Kansas City Power & Light Company’s (“KCP&L”) 2012 Integrated Resource Plan (“IRP”) compliance filing, as supplemented by its 2013 annual update report.

In support of this request, Stakeholders state to the Commission:

1.       On November 19, 2012, Stakeholders, KCP&L and others submitted a Joint Filing herein regarding remedies for previously-identified deficiencies in and concerns with KCP&L’s 2012 IRP. In the Joint Filing, the parties agreed that KCP&L would undertake to address those deficiencies and concerns in its 2013 annual update to its IRP.

2.       On December 19, 2012, the Commission herein issued its Order Regarding 2012 Integrated Resource Plan. The Commission acknowledged the considerable effort expended by the Stakeholders and approved the proposal that KCP&L undertake the agreed-upon remedies in its 2013 annual update. The Commission concluded that “it would be premature to make a determination now on whether the IRP complies with Chapter 22 of the Commission rules or to schedule a hearing at this time on the unresolved deficiencies and concerns alleged by the parties.”

3.       The Commission also ordered KCP&L to comply with the Joint Filing and to address unresolved deficiencies and concerns in its 2013 annual update.

4. On June 20, 2013, KCP&L submitted its 2013 annual update, which was assigned File No. EO-2013-0537.

5. Stakeholders submitted the following pleadings in File No. EO-2013-0537, copies of which are attached hereto as exhibits and incorporated herein by this reference, indicating that KCP&L had not satisfied its obligations under the Joint Filing, and some of the Stakeholders also requested a hearing to resolve issues concerning KCP&L's compliance with the IRP rules and the Joint Filing:

Exhibit A - Comments of Sierra Club

Exhibit B - Reply Comments of Sierra Club

Exhibit C - Comments of the Office of the Public Counsel

Exhibit D - Natural Resources Defense Council's Comments and Request for  
Hearing

Exhibit E - NRDC's Response to KCP&L and Renewed Request for Hearing

6. On October 9, 2013, the Commission issued its Notice Acknowledging Kansas City Power & Light Company's Annual Update Report and Closing File, in File No. EO-2013-0537. Therein, the Commission interpreted the rule concerning annual updates not to allow for a hearing or authorize the Commission to take any action. Based on this interpretation, the Commission made no decision and "closed" File No. EO-2013-0537.

7. Stakeholders disagree with the Commission's determination that File No. EO-2013-0537 only concerned KCP&L's annual update, because in both the Joint Filing and the Commission's Order of December 19, 2012 herein it was established that KCP&L's 2013 annual update filing would be considered as a supplement to its 2012 IRP and examined in that context to determine whether KCP&L had complied with the Commission's rules

regarding triennial IRP reports. Further, the Commission confirmed in its December 19, 2012 order that any decision concerning whether to hold a hearing regarding KCP&L's compliance would be postponed pending submittal of KCP&L's 2013 annual update. Stakeholders have filed Applications for Reconsideration and/or Rehearing in File No. EO-2013-0537 documenting their disagreement.

8. If the Commission stands by its determination that a hearing cannot be held in File No. EO-2013-0537, notwithstanding the arguments presented by Stakeholders, then the Commission should reopen this proceeding and schedule a hearing to make a determination pursuant to 4 CSR 240-22.080(16) regarding the remaining deficiencies and concerns regarding KCP&L's 2012 IRP as supplemented by its 2013 annual update.

9. If the Commission does not allow further proceedings in either this case or File No. EO-2013-0537, the numerous deficiencies and concern that Stakeholders and others have identified with KCP&L's 2012 IRP as supplemented by its 2013 annual update will be left unaddressed, with the combined effect of the Commission's orders in the two dockets being that the company will be permitted to go through this entire triennial compliance period without ever submitting an IRP that is reviewed by the Commission to determine whether it complies with the Commission's rules. Such a result ignores the requirements of 4 CSR 240-22.080(16), is inconsistent with the Policy Objectives of the IRP rules in 4 CSR 240-22.010, and severely undermines the role of stakeholder participation in the IRP process.

10. If the Commission does not act to rectify this situation, the Commission will be sending a message to Stakeholders and others that there is no room for flexibility in resolving deficiencies and concerns with future triennial compliance filings by allowing the company to address them in its next annual update. In the future, Stakeholders will have to

refuse to allow GMO, KCP&L, Empire, or Ameren to attempt to address any issues with their triennial filings in their next annual updates, because doing so (under the Commission's interpretation of its authority under the annual update rules in Case No. EO-2013-0537) would effectively put a company's efforts to address those issues out of the Commission's jurisdiction to review. Instead, Stakeholders will have to insist that all deficiencies or concerns that they raise with a company's triennial compliance filing be addressed in that docket by the company making a corrected full triennial submittal. Stakeholders do not believe that such a hard line would prove cost-effective for the utilities, ratepayers, or the Commission, because opportunities to resolve important issues without the need for formal proceedings would be substantially reduced if not totally eliminated.

11. Stakeholders believe that utility compliance with the Commission's IRP rules is a critical component of Commission oversight and regulation. As the Commission acknowledged in its December 19, 2012 order herein, Stakeholders devote substantial resources in developing the Commission's IRP rules and in working with the utilities to try to achieve compliance with those rules. However, Stakeholders have also tried to be practical and flexible, in order to allow the utilities to resolve issues in the most cost-effective manner possible, which often has meant in conjunction with annual update submittals. If the Commission does not require the utilities to fulfill the agreements they make in such negotiations, then Stakeholders will have to seek hearing on all unresolved issues that they raise and will not be able to ever agree again that a utility can try to address a problem with an IRP in an annual update rather than by means of a full rerun of a triennial submittal. To avoid such an outcome, Stakeholders urge the Commission either to reconsider its October 9, 2013 order in File No. EO-2013-0537 and hold a hearing in that matter, or to re-open this

case and hold a hearing to resolve remaining issues with KCP&L's 2012 IRP as supplemented by its 2013 annual update.

WHEREFORE, the undersigned Stakeholders request hearing in this matter as indicated above on the issues they have raised in Exhibits A-E attached hereto.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing was served via electronic mail this 21st day of October, 2013, to the persons shown on the attached list.

/s Thomas Cmar

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Service List for Case No. EO-2012-0323

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