BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Resource Plan of KCP&L Greater Missouri Operations Company.	)))	File No. EO-2012-0324

REQUEST FOR HEARING

COME NOW Dogwood Energy, LLC ("Dogwood"), Sierra Club, the Office of the Public Counsel and Natural Resources Defense Council (collectively "Stakeholders"),[1] and respectfully request a hearing in this proceeding pursuant to 4 CSR 240-22.080(10) regarding KCP&L Greater Missouri Operations Company's ("GMO") 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, GMO and others submitted a Joint Filing herein regarding remedies for previously-identified deficiencies in and concerns with GMO's 2012 IRP. In the Joint Filing, the parties agreed that GMO 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 GMO 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."

[1] Sierra Club and NRDC are parties in Case No. EO-2013-0538 regarding GMO's 2013 IRP annual update and if necessary will file for formal intervention in this proceeding.

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

4. On June 20, 2013, GMO submitted its 2013 annual update, which was assigned File No. EO-2013-0538.

5. Stakeholders submitted the following pleadings in File No. EO-2013-0538, copies of which are attached hereto as exhibits and incorporated herein by this reference, indicating that GMO had not satisfied its obligations under the Joint Filing, and some of the Stakeholders also requested a hearing to resolve issues concerning GMO's compliance with the IRP rules and the Joint Filing:

Exhibit A - Dogwood Comments and Request for Hearing

Exhibit B - Dogwood Reply Comments and Continued Request for Hearing

Exhibit C - Comments of Sierra Club

Exhibit D - Reply Comments of Sierra Club

Exhibit E - Comments of the Office of the Public Counsel

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

Exhibit G - NRDC's Response to GMO and Renewed Request for Hearing

6. On October 9, 2013, the Commission issued its Notice Acknowledging KCP&L Greater Missouri Operations Company's Annual Update Report and Closing File, in File No. EO-2013-0538. 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-2013-0538.

7. Stakeholders disagree with the Commission's determination that File No. EO-2013-0538 only concerned GMO's annual update, because in both the Joint Filing and the Commission's Order of December 19, 2012 herein it was established that GMO's 2013 annual update filing would be considered as a supplement to its 2012 IRP and examined in that context to determine whether GMO 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 GMO's compliance would be postponed pending submittal of GMO's 2013 annual update. Stakeholders have filed Applications for Reconsideration and/or Rehearing in File No. EO-2013-0538 documenting their disagreement.

8. If the Commission stands by its determination that a hearing cannot be held in File No. EO-2013-0538, 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 GMO'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-2013-0538, the numerous deficiencies and concern that Stakeholders and others have identified with GMO'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, KCPL, 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-2013-0538) 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-2013-0538 and hold a hearing in that matter, or to re-open this case and hold a hearing to resolve remaining issues with GMO'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-G attached hereto.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

Carl J. Lumley, #32869
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
(314) 725-8788
(314) 725-8789 (Fax)
clumley@lawfirmemail.com

Attorneys for Dogwood Energy, LLC

/s/ Henry B. Robertson

Henry B. Robertson 29502
Great Rivers Environmental Law Center
705 Olive Street, Suite 614
St. Louis, Missouri 63101
(314) 231-4181
(314) 231-4184
hrobertson@greatriverslaw.org

Attorney for Sierra Club and NRDC

OFFICE OF THE PUBLIC COUNSEL

/s/ Lewis R. Mills, Jr.
By: _____

Lewis R. Mills, Jr. (#35275)
Public Counsel
P O Box 2230
Jefferson City, MO 65102
(573) 751-4857
(573) 751-5562 FAX
lewis.mills@ded.mo.gov

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was emailed, faxed or mailed by U.S. Mail, postage paid, this 21st day of October, 2013, to the persons shown on the attached list.

/s/ Carl J. Lumley

Missouri Public Service Commission

Service List for Case No. **EO-2012-0324** Last Updated: **8/31/2012**

Missouri Public Service Commission
Steve Dottheim
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Steve.Dottheim@psc.mo.gov

Missouri Public Service Commission
Office General Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Phone: 573-751-2690
Fax: 573-751-9285
GenCounsel@psc.mo.gov

Office of the Public Counsel
Lewis Mills
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
Phone: 573-751-1304
Fax: 573-751-5562
opcservice@ded.mo.gov

City of Kansas City, Missouri
Mark W Comley
601 Monroe Street., Suite 301
Jefferson City, MO 65102-0537
Phone: 573-634-2266-Ext: 301
Fax: 573-636-3306
comleym@ncrpc.com

Dogwood Energy, LLC
Carl J Lumley
130 S. Bemiston, Ste 200
St. Louis, MO 63105
Phone: 314-725-8788-Ext:
Fax: 314-725-8789
clumley@lawfirmemail.com

KCP&L Greater Missouri Operations Company
James M Fischer
101 Madison Street, Suite 400
Jefferson City, MO 65101
Phone: 573-636-6758-Ext:
Fax: 573-636-0383
jfischerpc@aol.com

KCP&L Greater Missouri Operations Company
Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
Phone: 816-556-2314-Ext:
Fax: 816-556-2787
roger.steiner@kcpl.com

Midwest Energy Consumers Group
David Woodsmall
807 Winston Court
Jefferson City, MO 65101
Phone: 573-797-0005-Ext:
Fax: 573-635-7523
david.woodsmall@woodsmalllaw.com

Midwest Energy Users' Association
Stuart Conrad
3100 Broadway, Suite 1209
Kansas City, MO 64111
Phone: 816-753-1122-Ext:
Fax: 816-756-0373
stucon@fcplaw.com

Missouri Department of Natural Resources
Jessica L Blome
221 W. High Street
P.O. Box 899
Jefferson City, MO 65102
Phone: 573-751-3640-Ext:
Fax: 573-751-8796
Jessica.Blome@ago.mo.gov

Missouri Gas Energy
Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
Phone: 573-635-7166-Ext:
Fax: 573-635-3847
dcooper@brydonlaw.com

Missouri Gas Energy
Todd J Jacobs
3420 Broadway
Kansas City, MO 64111
Phone: 816-360-5976-Ext:
Fax: 816-360-5903
todd.jacobs@sug.com

Missouri Gas Energy
Michael R Noack
3420 Broadway
Kansas City, MO 64111
Phone: 816-360-5560-Ext:
Fax: 816-360-5536
mike.noack@sug.com

Missouri Joint Municipal Electric Utility Commission
Douglas Healy
939 Boonville Suite A
Springfield, MO 65802
Phone: 417-864-8800
doug@healylawoffices.com