

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 26th
day of October, 1994.

In the matter of a special contract filed by Kansas City)
Power & Light Company.) Case No. EO-95-67
)

ORDER APPROVING AGREEMENT AND TARIFF

On September 6, 1994, Kansas City Power & Light Company (KCPL) filed a special contract between KCPL and one of its customers. This contract was filed under seal and the Commission established a protective order to protect the confidentiality of the information concerning the customer and the terms of the contract. KCPL also filed a tariff to reflect the contract and its terms. The tariff provisions were also filed under seal and were to be effective October 7, 1994. The effective date of the tariff was later extended to October 29, 1994.

On September 27, 1994, and September 28, 1994, respectively, Trigen-Kansas City Energy Corporation (Trigen) and Missouri Gas Energy (MGE) filed applications to intervene. By letter filed October 17, 1994, KCPL indicates that neither Trigen nor MGE will object to the provisions of the contract, nor will they object to the tariff provisions.

On October 21, 1994, Commission Staff filed a memorandum concerning the contract and the tariff. In the memorandum Staff describes the terms of the contract and recommends the Commission approve the contract and the tariff as amended by a substitute sheet filed on October 5, 1994. The information concerning the specific terms of the contract is filed under seal but Staff does indicate that the rates and charges that will be billed under the contract contain a demand charge, delivery system charge, energy charge, customer charge and a reactive demand adjustment. Staff states that it supports the

confidentiality of these types of special contracts since they deal with competitive load customers.

In addition to the tariff originally filed in this case, as substituted, Staff recommends the Commission approve a tariff sheet reflecting a change in the Table of Contents with a reference to the special contracts. This proposed tariff was submitted October 5, 1994, to become effective November 5, 1994.

The Commission has reviewed the confidential information in this matter and has considered Staff's recommendation and will approve the contract and tariff. The Commission is always concerned in matters such as this that the handling of matters outside public scrutiny does not result in discriminatory or unreasonable rates. The Commission, though, is convinced, based upon the information in the file, that this is a special situation between KCPL and a customer of competitive load and that protecting the information from public disclosure is reasonable. The Commission also believes that Trigen's and MGE's acceptance of the procedure and agreement to not object to the contract or tariff are significant.

The Commission finds further, based upon Trigen's and MGE's agreement not to object to the contract or tariff, that their applications to intervene are moot and need not be ruled on.

Finally, the Commission does not believe the tariff sheet containing the addition to the Table of Contents is before it in this case. That tariff sheet was not filed in this case and was not part of the original filing. It should be handled as a thirty-day filing.

IT IS THEREFORE ORDERED:

1. That the special contract entered into by Kansas City Power & Light Company and one of its customers filed in this case is hereby approved.

2. That the proposed tariff filed by Kansas City Power & Light Company on September 6, 1994, as amended October 5, 1994, to reflect the special contract, is hereby approved for service on and after October 29, 1994. The tariff sheet approved is:

P.S.C. MO. No. 6
Original Sheet No. 37

3. That this order shall become effective on the 29th day of October, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
Kincheloe and Crumpton, CC., concur.