

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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

REPLY IN SUPPORT OF REQUEST FOR HEARING

Sierra Club, the Office of the Public Counsel, Dogwood Energy, LLC, and Natural Resources Defense Council (collectively “Stakeholders”) respectfully submit this reply in support of their request for a hearing in this proceeding. As Stakeholders explained in their motion, holding a hearing in this proceeding now is appropriate because GMO has failed to address the unresolved deficiencies that Stakeholders raised in this integrated resource plan (“IRP”) triennial compliance filing in its 2013 annual update filing, Case No. EO-2013-0538, despite the Commission having directed the company to do so in its December 19, 2012 order in this docket. If the Commission stands by its determination that a hearing cannot be held in Case 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.

GMO's response to Stakeholders' motion emphasizes that the Commission's IRP rules do not provide a right to a hearing. This argument misses the mark; Stakeholders do not contend here that there is *a right* to a hearing. Rather, Stakeholders contend that the Commission *should* hold a hearing. The Commission should exercise its authority to require hearings, either in this docket or in Case No. EO-2013-0538, because Stakeholders have raised numerous deficiencies both with last year's triennial compliance filing and this year's annual update filing that have not

been resolved and that the Commission should review to determine whether GMO has complied with the IRP rules.

GMO's dismissal of the deficiencies raised by Stakeholders as "highly technical" also misses the mark. The deficiencies raised by Stakeholders go to the heart of the company's resource planning, in particular whether the company has complied with 4 CSR 240-22.010(2) in justifying not selecting a resource plan that minimizes the net present value of long-run utility costs. Evaluating why the company did not choose the least-cost plan for its ratepayers necessarily involves review of the technical underpinnings of GMO's IRP modeling and analysis, and Stakeholders invested significant resources over the last several years to engage in this legal and technical review. If the Commission declines to grant Stakeholders' request for a hearing in this proceeding or their motion for reconsideration and rehearing in Case No. EO-2013-0538, this would severely undermine the role of stakeholder participation in the IRP process.

As Stakeholders explained in their motion, the Commission's decision here will also help determine whether, in the future, parties will be able to consider deferring litigation over deficiencies they have identified with a utility's triennial compliance filing through an agreement that the utility can try to address the issues in its next annual update filing, as the parties did in this case. By failing to hold a hearing or otherwise take action on an annual update filing, the Commission will effectively be telling Stakeholders and others that such agreements will not be enforced. In turn, such a decision will significantly alter the flexibility of the process and make it more difficult for parties in the future to resolve deficiencies in a collaborative manner.

For the reasons set forth above, and in their request for hearing, Stakeholders respectfully request that the Commission either re-open this proceeding, or reconsider its October 9, 2013

order in, and hold a hearing in, Case No. EO-2013-0538, to resolve remaining issues with
GMO's 2012 IRP as supplemented by its 2013 annual update.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was emailed, faxed or mailed by U.S. Mail, postage paid, this 12th day of November, 2013, to the persons shown on the attached list.

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