

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

In the Matter of KCP&L Greater Missouri Operations)	
Company's Application for Authorization to Suspend)	File No. ET-2014-0277
Payment of Certain Solar Rebates)	Tariff No. JE-2014-0403

**REPLY TO KCP&L-GMO'S RESPONSE TO RENEW
MISSOURI'S APPLICATION FOR REHEARING**

COMES NOW Earth Island Institute d/b/a Renew Missouri ("Renew Missouri"), pursuant to 4 CSR 240-2.080, and files this Reply to KCP&L Greater Missouri Operations Company's June 11, 2014 Response to Renew Missouri's Application for Rehearing in this case.

Renew Missouri's Application for Rehearing is timely

1. In its Response, KCP&L Greater Missouri Operations Company ("KCP&L-GMO") claims that Renew Missouri's Application for Rehearing was untimely according to the requirements of Section 386.500, RSMo, 4 CSR 240-2.160, and 4 CSR 240.050.
2. Section 386.500, RSMo includes no time deadline by which applications for rehearing must be submitted.
3. Rule 4 CSR 240-2.160(2) specifies that motions for reconsideration of orders from the commission must be filed within ten (10) days of the date the order is issued.
4. Rule 4 CSR 240-2.050 sheds light on how computation of time is done in proceedings before the Commission. Subsection (1) of that rule states: (emphasis added)

In computing any period of time prescribed or allowed by the commission, the day of the act, even, or default shall not be included. *The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.* The rule does not apply when the commission establishes a specific date by which an action must occur, *nor does it operate to extend effective dates which are established by statute.*

5. In reference to the last clause of 4 CSR 240-2.050(1), KCP&L-GMO states in its Response: “Because Section 386.500 sets a jurisdictional deadline for applications for rehearing, the Commission must reject Renew Missouri’s Application because it did not comply with the deadline.”

6. As stated above, Section 386.500, RSMo set no specific time period by which applications for rehearing must be submitted. Subsection (2) of Section 386.500 does however state that the application must be made “before the effective date of such order or decision.”

7. The Commission’s Order became effective on June 8, 2014. However, according to 4 CSR 240-2.050(1), the ten day period allowed for motions for rehearing would expire on Saturday, June 7, meaning the period would run until Monday, June 9. Note that May 28, the date of the Commission’s Order, is not included in the ten days under 4 CSR 240-2.050(1).

8. It seems unlikely that the Commission specifically intended to shorten the ten day period and deviate from the policy of 4 CSR 240-2.050(1), which allows deadlines falling on weekends to roll over to the next business day.

9. Given the closeness in time of the Commission’s final order and the application, as well as the clear language of 4 CSR 240-2.050(1), Renew Missouri urges the Commission to refrain from denying the Application for Rehearing on the basis of timeliness, and instead decide the issue on the merits.

Renew Missouri’s Application for Rehearing does not violate
the Stipulation and Agreement in File No. ET-2014-0059

10. KCP&L-GMO’s Response maintains that Renew Missouri’s Application violates its agreement to “not object to an application that is designed to cease payments beyond the specified level,” agreed to in the Non-Unanimous Stipulation and Agreement approved in File No. ET-2014-0059.

11. Contrary to KCP&L-GMO's assertion, Renew Missouri's application is not an objection to KCP&L-GMO's application to cease payments beyond "the specified level." Renew Missouri respects KCP&L-GMO's ability to file such an application and makes no objection to the application itself. However, Renew Missouri (and every other party to ET-2014-0059) at no time agreed to allow the Commission to waive the procedural requirements of the law.

12. Section 393.1030(3), RSMo specifies exactly how a utility must file for authority to suspend solar rebates, what determination the Commission must make before granting authority, and the constraints of the authority that the Commission is capable of granting. Renew Missouri would not have agreed to a Stipulation that purported to absolve the Commission of the responsibility to follow these requirements, and Renew Missouri does not interpret the Stipulation as doing so.

13. In fact, the very first line of Renew Missouri's Application clarifies that Renew Missouri is seeking only to ensure that the procedures required by law are followed:

In submitting the Application for Rehearing, Renew Missouri does not object to Kansas City Power & Light-Greater Missouri Operations Company's ("KCP&L-GMO") application designed to cease payment beyond the "specified level" agreed to in the Non-Unanimous Stipulation and Agreement approved in Case No. ET-2014-0071. Rather, Renew Missouri wishes to: 1) clarify that the Commission does not have the legal capability to grant the authority to suspend solar rebate payments without first making a determination that the utility will reach its maximum average retail rate impact, which can only be accomplished following a thorough review of the utility's mathematical calculation done in accordance with the requirements of 4 CSR 240-20.100(5) and Section 393.1030, RSMo; and 2) determine whether KCP&L-GMO has in fact reached the "specified level" if solar-related projects initiated, owned or operated by the electric utility are ignored for purposes of calculating the retail rate increase, pursuant to Section 393.1030.2(1), RSMo.

14. With respect to questioning whether KCP&L-GMO has reached "the specified level," this too is not a violation of Renew Missouri's agreement in the Stipulation. If the Company has in truth not reached the specified level (because of the wrongful inclusion of

certain costs relating to KCP&L Solar, etc.), then under the terms of the Stipulation the Company should not be applying to cease payments yet. However, even if this were a violation of the Stipulation, the fact remains that the Commission has not made a determination, based on sufficient evidence, that KCP&L-GMO will reach the one percent maximum average retail rate impact. Without this determination, backed by evidence submitted by the Company, the Commission is not legally capable of granting KCP&L-GMO's application to suspend payment of solar rebates.

WHEREFORE Renew Missouri prays that the Commission rehear the case and amend or modify its order in accordance with Renew Missouri's Application for Rehearing, filed on June 9, 2014 in this case.

Respectfully Submitted,

/s/ Andrew J. Linhares

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by electronic mail to all parties of record on this 16th day of June, 2014.

/s/ Andrew J. Linhares

Andrew J. Linhares