

Issue: Tariff Issues
Witness: Tim M. Rush
Type of Exhibit: Rebuttal Testimony
Sponsoring Party: Kansas City Power & Light Company
Case No.: EO-2012-0141
Date Testimony Prepared: March 14, 2012

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO.: EO-2012-0141

REBUTTAL TESTIMONY

OF

TIM M. RUSH

ON BEHALF OF

KANSAS CITY POWER & LIGHT COMPANY

**Kansas City, Missouri
March 2012**

REBUTTAL TESTIMONY

OF

TIM M. RUSH

Case No. EO-2012-0141

1 **Q: Please state your name and business address.**

2 A: My name is Tim M. Rush. My business address is 1200 Main Street, Kansas City,
3 Missouri 64105.

4 **Q: By whom and in what capacity are you employed?**

5 A: I am employed by Kansas City Power & Light Company as Director, Regulatory Affairs.

6 **Q: On whose behalf are you testifying?**

7 A: I am testifying on behalf of Kansas City Power & Light Company (“KCP&L” or the
8 “Company”).

9 **Q: What are your responsibilities?**

10 A: I am responsible for overseeing the regulatory reporting and general activities as they
11 relate to the Missouri Public Service Commission (“MPSC” or “Commission”).

12 **Q: Please describe your education, experience and employment history.**

13 A: I received a Master of Business Administration degree from Northwest Missouri State
14 University in Maryville, Missouri. I did my undergraduate study at both the University
15 of Kansas in Lawrence and the University of Missouri in Columbia. I received a
16 Bachelor of Science degree in Business Administration with a concentration in
17 Accounting from the University of Missouri in Columbia.

1 **Q: Please provide your work experience.**

2 A: I was hired by KCP&L in 2001 as the Director, Regulatory Affairs. Prior to my
3 employment with KCP&L, I was employed by St. Joseph Light & Power (“Light &
4 Power”) for over 24 years. At Light & Power, I was Manager of Customer Operations
5 from 1996 to 2001, where I had responsibility for the regulatory area, as well as
6 marketing, energy consultant and customer services area. Customer services included the
7 call center and collections areas. Prior to that, I held various positions in the Rates and
8 Market Research Department from 1977 until 1996. I was the manager of that
9 department for fifteen years.

10 **Q: Have you previously testified in a proceeding before the MPSC or before any other**
11 **utility regulatory agency?**

12 A: I have testified on several occasions before the MPSC on a variety of issues affecting
13 regulated public utilities. I have additionally testified at the Federal Energy Regulatory
14 Commission and the Kansas Corporation Commission.

15 **Q: What is the purpose of your testimony?**

16 A: The purpose of my testimony is to respond to the Direct Testimony of Cathedral Square
17 Corporation (“CSC”) witnesses William L. Foreman, Sr. and Jeffrey G. Flathman. I will
18 also address the December 7, 2011 Staff Recommendation to Grant Relief in this case.

19 **Q: What is your understanding of the request by CSC?**

20 A: CSC is requesting a variance from the Company’s tariffs in order that it may consolidate
21 the existing metering into one meter so that CSC may receive a lower electric bill. CSC’s
22 request is found on page 12 of its November 4, 2011 Application for Variance:

23 WHEREFORE, for the foregoing reasons, The Cathedral Square Corporation
24 respectfully requests that the Commission issue its order:

1 (a) Determining that separate metering for residential units at the Cathedral
2 Square Towers building located at 444 W. 12th Street in Kansas City, Missouri is
3 not required by 4 CSR 240-20.050; and

4 (b) Granting a variance from the applicable tariffs of KCPL on individual
5 metering with respect to the Cathedral Square Towers building, including those
6 tariffs set forth in Sections 5.01 and 5.03 of the *General Rules and Regulations*
7 *Applying to Electric Service*, filed with the Commission by KCPL on January 19,
8 1981 as *Kansas City Power & Light Company, P.S.C. MO No. 2, Second Sheet*
9 *No. 1.19 and Second Sheet No. 1.20*, so as to permit the installation of a master
10 meter, and consolidating the existing individual meters, for the entire Cathedral
11 Square Towers building located at 444 W. 12th Street in Kansas City, Missouri;

12 **Q: What seems to be the motive for these requests?**

13 A: CSC asserts that if its electric service was billed using one meter, it would qualify for
14 KCP&L's Medium General Service rate and reduce its bill.

15 **Q: Has CSC shown good cause for a variance from KCP&L's tariff requiring**
16 **individual metering?**

17 A: No. The reasons given for the variance request appear to be a combination of financing
18 energy improvements and lowering overhead costs. In paragraph 34 of its Application,
19 CSC indicates that a single meter will provide CSC with the opportunity to reduce its
20 operating costs through the savings experienced from meter consolidation to reinvest in
21 its property and to make capital improvements using future savings incurred through
22 meter consolidation. In its Direct Testimony (Flathman Direct p. 18), CSC indicates that
23 it needs the variance in order to reduce its operating costs to ensure that CSC continues to
24 be able to provide services to its low-income elderly and disabled residents. CSC asserts
25 that CSC, the residents and the community of Kansas City will benefit from the variance.

26 Obviously, every KCP&L customer would like the ability to qualify for a lower
27 electric rate and to use those savings to finance energy improvements to their property.
28 But as discussed later in my testimony, lowering electricity rates for some customers

1 means that other customers will pay more. CSC has not shown why it is entitled to a
2 variance which would be paid for by other customers. KCP&L does not agree that the
3 level of savings advanced by CSC exists, but if such savings do exist, KCP&L does not
4 believe that the public interest is served by allowing CSC to qualify for a rate to which it
5 is not entitled so that it can finance improvements to private property. It is not in the
6 public interest to change the rate CSC pays since the cost of the investment and ongoing
7 costs to serve CSC will then be recovered from other KCP&L customers.

8 **Q: Should the Commission grant CSC a variance do you believe CSC would qualify for**
9 **the Medium General Service rate?**

10 A: No I do not. The Availability section of the Company's Medium General Service – All
11 Electric tariff, attached here as Schedule TMR-1, specifically states “Service will not be
12 supplied where the ultimate use is primarily for residential purposes.”

13 **Q: What rate would CSC be eligible for should the Commission direct the Company to**
14 **provide service through one meter?**

15 A: The only rate CSC would be eligible for under the Company's current tariffs is
16 Residential Service. I have attached as Schedule TMR-2 a copy of KCP&L's Residential
17 Service Schedule R tariff. On Sheet No. 5 of that tariff, the Availability section states
18 “For secondary electric service to a single-occupancy private residential and individually-
19 metered, multiple occupancy residential dwellings.” Further in that same Availability
20 section, the tariff states,

21 For secondary electric service through one meter, at one point of delivery
22 to a single metered multiple-occupancy residential building:

23 The total monthly bill to each such building to which service is delivered
24 and metered at one point shall consist of the customer charge multiplied
25 by total number of residence units plus each kilowatt hour step shall be
26 multiplied by the total number of residence units and calculated on the

1 Residential Service Rate Schedule. This paragraph applies only to single
2 metered multiple-occupancy buildings served as such prior to June 1,
3 1981.

4 **Q: Doesn't the last sentence above allow CSC to take service under the Residential**
5 **Service tariff if its service is converted to one meter?**

6 A: No it does not. KCP&L does not believe a change in the metering necessitates a change
7 in rates. The class of usage at Cathedral Square Towers—residential—will not change
8 just because the metering changes. The apartments still meet the definition of
9 “residential” as found in 4 CSR 240-20.050(G). “A residential unit is defined as one (1)
10 or more rooms for the use of one (1) or more persons as a housekeeping unit with space
11 for eating, living and sleeping, and permanent provisions for cooking and sanitation.”
12 Should this facility become master metered, KCP&L’s Residential Service rate has
13 provisions to handle this situation.

14 From KCP&L’s Schedule R, Availability, “For secondary electric service through
15 one meter, at one point of delivery to a single metered multiple-occupancy residential
16 building: The total monthly bill to each such building to which service is delivered and
17 metered at one point shall consist of the customer charge multiplied by total number of
18 residence units plus each kilowatt hour step shall be multiplied by total number of
19 residence units and calculated on the Residential Service Rate Schedule. This paragraph
20 applies only to single metered multiple-occupancy buildings served as such prior to June
21 1, 1981.” This same date, June 1, 1981, coincides with the language in 4 CSR 240-
22 20.050(2) “Each residential and commercial unit in a multiple-occupancy building
23 construction of which has begun after June 1, 1981 shall have installed a separate electric
24 meter for each residential or commercial unit.”

1 There is a linkage between the June 1, 1981 KCP&L Residential Service tariff
2 language and the CSR June 1, 1981 language. If a variance is granted allowing for
3 master metering for CSC because it was constructed before 1981, then similarly the
4 Company should be allowed to bill CSC as a residential customer with multiple units just
5 as though it occurred before June 1, 1981. It is the Company's interpretation that if CSC
6 were to have one single meter, it would fall under this provision of the Residential
7 Service tariff and essentially would be no savings to CSC from rate switching.

8 **Q: Has CSC ever described or characterized their usage as anything but residential?**

9 A: No, in fact as I quoted before from CSC's Application, its request specifically
10 characterizes CSC's use as residential:

11 WHEREFORE, for the foregoing reasons, The Cathedral Square Corporation
12 respectfully requests that the Commission issue its order:

13 (a) Determining that separate metering for **residential units** at the Cathedral
14 Square Towers building located at 444 W. 12th Street in Kansas City,
15 Missouri is not required by 4 CSR 240-20.050; and (emphasis added)

16 **Q: Does CSC believe that it should be granted a variance and be billed under the
17 Medium General Service rate?**

18 A: Yes. Mr. Flathman's concludes based on KCP&L's tariffs and past cases that the
19 Medium General Service rate should be available to CSC.

20 **Q: Are the cases he refers to similar to CSC's situation?**

21 A: Not at all. In the case of WallStreet Tower ("WST") in Kansas City, Case No. EE-2006-
22 0123, the property at issue was a high rise office building that was undergoing a major
23 renovation and being converted to residential condominiums. The electrical wiring in the
24 high rise office building was not designed for individual metering. WST requested a
25 variance from KCP&L's metering tariffs because it was not practical to install wiring and

1 establish separate metering in each residential unit. The Commission determined that
2 WST's Application for Variance should be granted, but that certain safeguards be added
3 to the real estate records of the condominium units so that buyers would be aware that
4 they were not KCP&L customers. The Commission also ensured that the public interest
5 in conservation of electrical energy expressed in PURPA would still be met with a
6 variance from the individual metering rules.

7 **Q: Were the facts in the WST case the same as this case?**

8 A: No. CSC meters are already installed and the building is currently being served on the
9 Residential Service rate.

10 **Q: What about the other cases Mr. Flathman references?**

11 A: It is my understanding that each case dealt with situations where the existing facilities
12 were being renovated and were previously serviced under one meter. The variances
13 allowed the facilities to continue to be billed under one meter. They were granted
14 because it was not practical to install wiring and establish separate metering for each unit.
15 Under the Company's General Rules and Regulations, tariff provision 5.07 Renovation, it
16 requires that an apartment building presently receiving electric service for redistribution
17 undergoes renovation to the extent that the cost of such renovation is fifty percent or
18 more of the value of the building, then the building shall no longer be eligible for
19 redistribution. Essentially, the Company's tariffs require that if a facility is being
20 renovated and if the cost of the renovation is greater than 50% of the value of the
21 building, then individual metering is required to be installed.

22 **Q: Is this similar to CSC?**

23 A: No. This requirement would not apply to CSC.

1 **Q: Do you believe that if a similar situation were to occur to that of WST that the**
2 **Company would approach it in the same way?**

3 A: No. Because of the policy implications for downtown redevelopment, the Company felt
4 that it needed to allow the Commission to make the determination of the variance
5 requirement. Since WST was essentially a new facility upon completion and that the
6 Commission had determined that the WST was a utility serving the owners of the
7 condominium units, the Company's indication that WST should be served under the
8 Medium General Service rate at that time seemed appropriate given the new
9 circumstances. The Commission's Order in WST indicates that it is limited to the
10 circumstances that existed in that case. CSC is not in the same situation as WST and
11 does not involve the same issues.

12 **Q: How did MPSC Staff ("Staff") respond to CSC's request?**

13 A: The Staff and the Electric Meter Variance Committee ("Committee") recommended the
14 Commission grant relief so that KCP&L can provide master metering to the CSC
15 building located at 444 W. 12th Street in Kansas City, Missouri, so long as the building is
16 being operated by a IRC § 501(c)(3) qualified organization and used to provide
17 subsidized housing to low-income elderly and/or disabled individuals who pay fixed rent
18 inclusive of utilities.

19 **Q: What is the Electric Meter Variance Committee?**

20 A: It is a committee established by 4 CSR 240-20.050(5)(C) to address variance requests
21 made under this rule. Both Staff members and the Office of the Public Counsel serve on
22 this Committee.

1 **Q: Did Staff and the Committee determine that separate metering for residential units**
2 **at the Cathedral Square Towers building located at 444 W. 12th Street in Kansas**
3 **City, Missouri is not required by 4 CSR 240-20.050?**

4 A: Yes. The Staff and the Committee believe 4 CSR 240-20.050 does not apply in this
5 situation due to the age of the CSC building.

6 **Q: Does the Company agree that 4 CSR 240-20.050 does not apply in this instance?**

7 A: Yes, the Company agrees the building was built prior to June 1, 1981, and as such 4 CSR
8 240-20.050 does not apply.

9 **Q: Do KCP&L's tariffs allow KCP&L to provide electric service to CSC through one**
10 **master meter?**

11 A: Two of KCP&L's tariff provisions prevent the Company from providing electric service
12 to the residents of the CSC building through the use of a master meter, as individual
13 metering is required for multiple occupancy premises. The two subparts of KCP&L's
14 General Rules and Regulations tariff that relate to the master metering question are 5.01
15 and 5.03 attached as Schedules TMR-3 and TMR-4.

16 **Q: Does Staff agree that KCP&L's tariffs prohibit it from providing service to CSC**
17 **through the use of a master meter?**

18 A: Yes. Staff and the Committee in its Memorandum (attachment to December 7, 2011
19 Staff Recommendation to Grant Relief), page 7 found, "Individual metering is required
20 by KCPL's Tariff Subparts 5.01 and 5.03 unless an exception exists. In this case, no
21 exception has been documented and KCPL's tariff clearly provides that KCPL may not
22 serve the residents of the CSC facility through a master meter..."

1 **Q: You stated earlier that Staff and the Committee recommended the Commission**
2 **grant relief so that KCP&L can provide master metering to CSC. What was the**
3 **basis of that recommendation if Staff agrees the Company cannot offer master**
4 **metering due to its tariff?**

5 A: Staff and the Committee used a set of factors to reach their conclusions. As set forth in
6 the Memorandum, the factors are:

- 7 1. Is individual metering of the multiple-occupancy building required by
8 KCPL's tariff Subpart 5.01 and 5.03?
- 9 2. Do the occupant(s) of each unit have control over a portion of the electric
10 energy used in such unit?
- 11 3. With respect to such portion of electric energy used in such unit, do the
12 long-run benefits to the electric consumers in such building exceed the
13 costs of purchasing and installing separate meters?
- 14 4. Would the granting of a variance be consistent with the goals of PURPA
15 to increase conservation of electric energy, increase efficiency in the use
16 of facilities and resources by electric utilities, and establish equitable retail
17 rates for electric consumers?
- 18 5. Would the granting of a variance be in the public interest because it
19 furthers a public policy objective in conjunction with other federal, state,
20 or local government programs, such as subsidizing housing costs for low-
21 income residents or promoting economic development in certain urban
22 areas?

23 **Q: What did Staff and the Committee find when applying these five factors?**

24 A: Factor 1. "Is individual metering of the multiple-occupancy building required by
25 KCPL's tariff Subpart 5.01 and 5.03?" The conclusion as stated in Staff's memorandum
26 was "yes".

27 Factor 2. "Do the occupant(s) of each unit have control over a portion of the
28 electric energy used in such unit?" The conclusion as stated in Staff's memorandum was
29 "yes".

1 Factor 3. “With respect to such portion of electric energy used in such unit, do
2 the long-run benefits to the electric consumers in such building exceed the costs of
3 purchasing and installing separate meters?” The conclusion as stated in Staff’s
4 memorandum was “no”, “CSC neither maintains nor operates the meters. KCPL
5 maintains and operates the meters.”

6 Factor 4. “Would the granting of a variance be consistent with the goals of
7 PURPA to increase conservation of electric energy, increase efficiency in the use of
8 facilities and resources by electric utilities, and establish equitable retail rates for electric
9 consumers?” The conclusion in Staff’s memorandum was “Currently, the CSC building
10 is **in compliance with PURPA mandated policies** which are designed (1) to increase
11 conservation of electrical energy, (2) to increase efficiency in the use of facilities and
12 resources by electric utilities, and (3) equitable retail rates for electric consumers...
13 Granting of a variance will not necessarily increase or decrease conservation of electric
14 energy, or increase efficiency in the use of facilities and resources by electric utilities...
15 Granting a variance may be contrary to the goal of establishing equitable retail rates for
16 electric consumers.” (emphasis added)

17 Factor 5. “Would the granting of a variance be in the public interest because it
18 furthers a public policy objective in conjunction with other federal, state, or local
19 government programs, such as subsidizing housing costs for low-income residents or
20 promoting economic development in certain urban areas?” The conclusion in Staff’s
21 memorandum was “CSC is a non-profit corporation providing rental housing and related
22 facilities for lower income families and elderly and handicapped families and elderly and
23 handicapped persons pursuant to Section 202 of the National Housing Act.”

1 **Q: Do you believe these factors and the conclusions contained in Staff and the**
2 **Committee’s Memorandum support the recommendation to grant CSC the relief it**
3 **seeks?**

4 A: No. It appears that only one factor, Factor 5, supported Staff’s recommendation and
5 Factor 5 only supports the Staff’s recommendation by equating “public interest” with
6 “public policy”. In this instance, granting CSC’s request will ultimately result in higher
7 rates for other customers. Any reduction in the electric rates CSC pays is ultimately
8 borne by the Company’s remaining customers who may not agree a lower rate for CSC is
9 in the “public interest”.

10 **Q: Do other customers in KCP&L’s service territory have similar situations to CSC?**

11 A: I believe that other customers in KCP&L’s service territory are similarly-situated in that
12 they are individually metered and may offer similar services as does CSC.

13 **Q: Did the Staff or the Committee address the “un”availability of the Medium General**
14 **Service rate for CSC?**

15 A: No. Neither address the fact that the rate would not be available for CSC. As presented
16 by CSC, the main savings comes from utilizing this rate. Simply adding up all of the
17 metered usage and billing under the existing Residential Service rate for master metered
18 facilities does provide some very small savings, but the primary savings comes from the
19 rate change.

20 **Q: Why does the Medium General Service rate provide a lower rate than the**
21 **Residential Service rate for the same usage level?**

22 A: The reason for the difference is in the rate design and the usage characteristics of the
23 specific customer types. The Medium General Service rate is not designed for residential

1 customers and the data used in designing the rate did not include their usage profiles or
2 cost causation characteristics. By contrast, the rate that CSC currently pays, including
3 meter charges has been set by the Commission so that KCP&L can recover its investment
4 and ongoing costs to serve CSC's building.

5 **Q: Did Staff and the Committee present any other information in support of its**
6 **recommendations?**

7 A: Yes, beginning on page 9 of its Memorandum, Staff listed 6 additional considerations.

8 The considerations and the conclusions from the Memorandum are:

9 (1) Is the average age of the residents is well over 65 years, or the residents
10 are physically or mentally impaired or disabled?

11 **Finding:** The average age of the residents of the rental housing at CSC is
12 seventy-four (74) years with 160 residents in 156 units. There are thirty-one (31)
13 residents with physical disabilities and nineteen (19) mentally impaired.

14 (2) Does the facility make available assistance with incidental Activities of
15 Daily Living?

16 **Finding:** Numerous local organizations work closely with the CSC Service
17 Coordinator to meet the needs of residents such as homemaking services, blood
18 pressure checks, rides to and from appointments, and dinner's quarterly for
19 residents. Services include regular health clinics, all utilities included in rent
20 payment, high speed internet and cable available, controlled safety access, regular
21 van and bus trips to grocery and convenience stores, trash pickup, full
22 maintenance, laundry facilities, and numerous coordinated activities.

23 (3) Do the facilities have special design features to accommodate the elderly,
24 infirm or disabled?

25 **Finding:** Currently, there are 31 residents with physical disabilities (10 with
26 power chairs, 21 with walkers) and nineteen mentally impaired residents. Along
27 with incidental activities described in (2) above, a communal dining facility is
28 available to the residents, a large communal dining and resident's lounge, a large
29 communal kitchen, a large lobby, a large fitness room, a crafts room, and a
30 business center.

1 (4) Is communal dining provided to residents?

2 **Finding:** Communal dining is not provided on a daily basis; however, there is a
3 large dining area and kitchen where communal meals are prepared for parties and
4 on special occasions.

5 (5) Do communal living areas make up a portion of the facility?

6 **Finding:** Twenty-two percent of the facility involves the communal living area.
7 A significant portion includes a large communal dining and residents' lounge, a
8 large communal kitchen, a large lobby, a large fitness room, a crafts room, a
9 business center, and a putting green.

10 (6) Are the individual units relatively small?

11 **Finding:** There are 144 single bedroom units and 12 two-bedroom units with 525
12 sq. ft. for a one bedroom and 625 sq. ft. for a two-bedroom living area.

13 **Q: Are any of the factors or additional considerations used by Staff and the Committee**
14 **found or supported in any rule of the MPSC that you are aware of?**

15 A: Not that I am aware of. The Memorandum filed by Staff and the variance Committee
16 refers to a *Unanimous Stipulation and Agreement*, previously approved by the
17 Commission, granting a variance in Case Nos. EE-2004-0267 and EE-2004-0268 which
18 involved a variation from 4 CSR 240-20.050. Staff's *Suggestions in Support of the*
19 *Unanimous Stipulation and Agreement*, set forth six distinguishing characteristics which
20 formed the basis it used to ultimately reach a *Unanimous Stipulation and Agreement* in
21 both cases.

22 **Q: Was KCP&L a party to either of these cases?**

23 A: No. These were AmerenUE cases, and KCP&L was not a party to either case.

24 **Q: Has KCP&L agreed these factors and considerations should be used to determine**
25 **the outcome of this case or any case?**

26 A: No it has not.

1 **Q: Do you believe that these factors and considerations are appropriate for the request**
2 **by CSC?**

3 A: While I appreciate all of the work being performed at CSC, I am not sure how CSC's
4 charitable mission is itself a basis for granting CSC's variance from its tariffed rate. If
5 CSC ultimately ends up with a lower rate, then other customers' bills will need to
6 increase. The Commission must take into account the effect granting the variance will
7 have on other customers. Additionally, other residential facilities in KCP&L's service
8 territory may also want to finance the upgrade of their facilities in the same way that CSC
9 proposes. The Commission should consider how its decision in this case will encourage
10 similar requests and exacerbate rate switching.

11 **Q: Please summarize your Rebuttal Testimony.**

12 A: The Company believes that the current metering and billing for CSC is consistent with all
13 of the existing tariffs of the Company and a variance should not be granted as good cause
14 for a variance has not been shown. Should the Commission determine that a variance
15 should be granted, KCP&L's Medium General Service tariff would not apply. CSC's
16 Application describes its facilities as "residential units". KCP&L's Medium General
17 Service tariff specifically states, "Service will not be supplied where the ultimate use is
18 primarily for residential purposes." Whether or not CSC has one master meter as it has
19 requested or continues to receive service through individual meters for each unit, the only
20 tariff it qualifies for is Residential Service. Removing the existing meters will not change
21 the rate that CSC's pays.

22 **Q: Does that conclude your testimony?**

23 A: Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of The)
Cathedral Square Corporation, a Missouri)
Non-Profit Corporation, For a Variance)
from Kansas City Power & Light)
Company's General Rules and Regulations)
Requiring Individual Metering)

Case No. EO-2012-0141

AFFIDAVIT OF TIM M. RUSH

STATE OF MISSOURI)

) ss

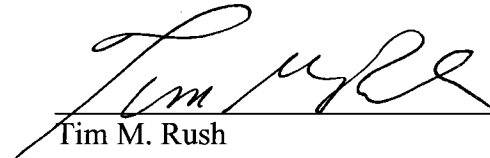
COUNTY OF JACKSON)

Tim M. Rush, being first duly sworn on his oath, states:

1. My name is Tim M. Rush. I work in Kansas City, Missouri, and I am employed by Kansas City Power & Light Company as Director, Regulatory Affairs.

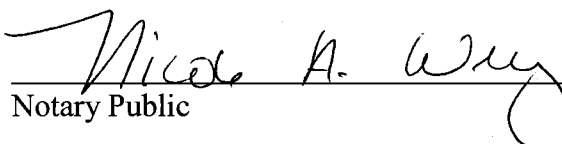
2. Attached hereto and made a part hereof for all purposes is my Rebuttal Testimony on behalf of Kansas City Power & Light Company consisting of fifteen (15) pages, having been prepared in written form for introduction into evidence in the above-captioned docket.

3. I have knowledge of the matters set forth therein. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded, including any attachments thereto, are true and accurate to the best of my knowledge, information and belief.



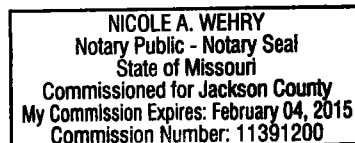
Tim M. Rush

Subscribed and sworn before me this 14th day of March, 2012.



Notary Public

My commission expires: Feb 9, 2015



KANSAS CITY POWER & LIGHT COMPANY

P.S.C. MO. No.

7

Third

Original

Sheet No. 18

Revised

Cancelling P.S.C. MO. No.

7

Second

Original

Sheet No. 18

Revised

Missouri Retail Service
For Area

MEDIUM GENERAL SERVICE – ALL ELECTRIC (FROZEN) Schedule MGA

AVAILABILITY:

This Schedule is available only to Customers' physical locations currently taking service under this Schedule and who are served hereunder continuously thereafter.

For electric service through one meter to an existing customer using electric service for purposes other than those included in the availability provisions of the Residential Service Rate Schedule. At the Company's discretion, service may be provided through more than one meter where it is economical for the Company to do so.

For electric service through one meter and using only electric service for all lighting, cooking, water heating, comfort space heating (except aesthetic fireplaces), comfort cooling, general purposes, and any other purposes requiring energy. The customer must have electric water heating and electric space heating equipment. This equipment shall be of a size and design approved by the Company. Electric space heating and electric water heating equipment shall be permanently installed, connected and thermostatically controlled.

Service will not be supplied where the ultimate use is primarily for residential purposes.

Standby, breakdown, or supplementary service is available under this schedule if the customer seeking such service first enters into a special contract which includes technical and safety requirements similar to those required for qualifying facilities in 4 CSR 240-20.060(2)(C). These requirements, and the associated interconnection costs, shall be reasonable and assessed on a nondiscriminatory basis with respect to other customers with similar load characteristics. Temporary or seasonal service will not be supplied under this schedule.

APPLICABILITY:

Applicable to all multiple-occupancy buildings when the tenants or occupants of the building are furnished with electric service on a rent inclusion basis.

TERM OF CONTRACT:

Contracts under this schedule shall be for a period of not less than one year from the effective date thereof.

DATE OF ISSUE: December 13, 2007
ISSUED BY: Chris B. Giles
Vice-President

DATE EFFECTIVE: January 12, 2008
1201 Walnut, Kansas City, Mo. 64106

January 1, 2008

FILED
Missouri Public
ER-2007-0291 Service Commission

Schedule TMR-1

KANSAS CITY POWER & LIGHT COMPANY

P.S.C. MO. No. 7 First Original Sheet No. 5
 Revised
Cancelling P.S.C. MO. No. 7 Original Sheet No. 5
 Revised
For Missouri Retail Service Area

RESIDENTIAL SERVICE Schedule R

AVAILABILITY:

*For secondary electric service to a single-occupancy private residence and individually-metered, multiple occupancy residential dwellings:

Single-phase electric service through one or more meters for ordinary domestic and farm use for all customers who request to be served under this rate. Customers currently served with separately metered space heat shall be eligible for the single meter heat rate (Rate B) only if the needed meter conversion from two meters to a single meter can be made.

*Three-phase electric service for ordinary domestic and farm use customers being served residential three-phase prior to the effective date of this revision or, at the Company's discretion, for residential customers requesting ordinary domestic use residential three-phase service subsequent to the effective date of this revision. The Customer shall bear all costs related to provision of three-phase service greater than the costs associated with providing normal, single-phase residential.

Single-phase electric service through a single or separately metered circuit for space heating purposes in the residence. Single metered electric space heating equipment shall be of a size and design sufficient to heat the entire residence. Electric space heating equipment may be supplemented by wood burning fireplaces, wood burning stoves, active or passive solar heating, and used in conjunction with fossil fuels where the combination of energy sources results in a net economic benefit to the customer. Electric space heating equipment shall be permanently installed and thermostatically controlled. In addition to the electric space heating equipment, only permanently installed all-electric single-phase equipment used to cool or air condition the same space which is electrically heated may be connected to the separately metered circuit, with the exception noted in Rate Section D below.

For secondary electric service through one meter, at one point of delivery to a single metered multiple-occupancy residential building:

The total monthly bill to each such building to which service is delivered and metered at one point shall consist of the customer charge multiplied by total number of residence units plus each kilowatt hour step shall be multiplied by total number of residence units and calculated on the Residential Service Rate Schedule. This paragraph applies only to single metered multiple-occupancy buildings served as such prior to June 1, 1981.

Customers served under the RDS, RTDD, and RTDE Rate Schedules as of July 9, 1996, must take service under the R or RTOD Rate Schedules.

Temporary or seasonal service will not be supplied under this schedule.

TERM OF CONTRACT:

Contracts under this schedule shall be for a period of not less than one year from the effective date thereof.

*Indicates change

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ISSUED BY: William P. Herdegen
Vice President

DATE EFFECTIVE: March 31, 2005
1201 Walnut, Kansas City, Mo. 64106

FILED
MO PSC

FORM NO. 13

P. S. C. MO. No. 2

Second {XXXX} Revised

SHEET No. 1.18

Cancelling P. S. C. MO. No. 2

First {XXXX} Revised

SHEET No. 1.18

KANSAS CITY POWER & LIGHT COMPANY
Name of Issuing Corporation or Municipality

For Rate Areas No. 1 and No. 3
Community, Town or City

RECEIVED
DEC 12 1980
(continued)
MISSOURI
Public Service Commission

GENERAL RULES AND REGULATIONS
APPLYING TO ELECTRIC SERVICE

4. TAKING ELECTRIC SERVICE

4.13 PRORATION OF DEMAND CHARGES: In the event the load requirements are temporarily curtailed or substantially reduced because of damage to or destruction of the Customer's premises or equipment due to an Act of God or because of a labor strike of the Customer's own employees employed at the premises of the Customer, the Company shall, upon request by the Customer, prorate the demand charges which would otherwise be applicable for the electric service supplied to the Customer during not more than six (6) months of curtailed or reduced load requirements of the Customer.

4.14 PARALLEL OPERATION: No Customer shall operate or permit operation of electric generating equipment in parallel with electric service supplied by the Company except as may be permitted under the Customer's service agreement.

5. MULTIPLE OCCUPANCY PREMISES

5.01 INDIVIDUAL METERING FOR SEPARATE PREMISES: Except as otherwise provided in this Rule 5, the occupant of each separate premises in or on any multiple occupancy premises will be individually metered and supplied electric service as the Customer of the Company, which electric service shall be utilized by the Customer only for operation of the Customer's installation located in or on the separate premises for which such electric service is supplied pursuant to the Customer's service agreement.

5.02 PUBLIC SERVICE METERING FOR LESSOR: All public service use in or on any multiple occupancy premises, where each separate premises therein is individually metered by the Company, will be separately metered and billed under an applicable non-residential rate schedule. Such public service use may include the electric requirements of all common areas and equipment in or on such multiple occupancy premises and the electric requirements of any separate premises therein occupied by the lessor or manager. Where, in any building used for residential purposes, the public service use consists solely of incidental hall or entrance way lighting, such public service use may for billing purposes be combined with the residential use of any separate premises therein so designated by the lessor.

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JAN 19 1981
81-181
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KCPL FORM 81-101 (REV. 2/78)

DATE OF ISSUE December 5 1980
month day year

DATE EFFECTIVE January 19 1981
month day year

ISSUED BY L. C. Rasmussen Vice President 1330 Baltimore, Kansas City, Mo.
name of officer title address

KANSAS CITY POWER & LIGHT COMPANY

Name of Issuing Corporation or Municipality

For Rate Areas No. 1 and No. 3

RECEIVED DEC 12 1980 MISSOURI Public Service Commission

GENERAL RULES AND REGULATIONS APPLYING TO ELECTRIC SERVICE

5. MULTIPLE OCCUPANCY PREMISES

5.03 RESALE AND DISTRIBUTION: Except as provided in Rules 5.05, 5.06 and 5.07 hereof, the Company will not supply electric service to a Customer for resale or redistribution by the Customer.

(a) "Resale" shall mean the furnishing of electric service by a Customer to another person under any arrangement whereby the Customer makes a specific or separate charge for the electric service so furnished, either in whole or in part, and whether the amount of such charge is determined by submetering, remetering, estimating or rebilling as an additional, flat, or excess charge, or otherwise.

(b) "Redistribution" shall mean the furnishing of electric service by the Customer (i) to another building occupied by the Customer and located on the same premises of the Customer but used by the Customer for a separate business enterprise, or (ii) to separate premises occupied by another person, whether or not such premises are owned, leased or controlled by the Customer, without making a specific or separate charge for the electric service so furnished. With respect to any multiple-occupancy premises, the Company will not supply electric service to the owner, lessee, or operator thereof, as the Customer of the Company, and permit redistribution by such Customer to his office or residential tenants therein, except for those premises being supplied such service on the effective date of this schedule. The restriction against "redistribution" may be waived by the Company where the operation of certain types of multiple occupancy premises, either in whole or in part, makes it impractical for the Company, in its judgment, to separately meter and supply electric service to each occupant as a Customer of the Company. Such exceptions may include:

(i) An operation catering predominantly to transients, such as hotels, motels, and hospitals;

(ii) An operation where the individual dwelling quarters are not equipped with kitchen and bathroom facilities, such as recognized rooming houses, dormitories, old folks' homes, orphanages and eleemosynary institutions;

(iii) An operation of a building used essentially for general office or commercial purposes where the separate premises leased to office or commercial tenants are adjustable and subject to rearrangement or relocation to conform to the needs of the tenants and the Company.

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Vice President title

1330 Baltimore, Kansas City, Mo. address

KCPL FORM 61-101, REV. 2/781

FORM NO. 13

P. S. C. MO. No. 2

Second { Original Revised } SHEET No. 1.20

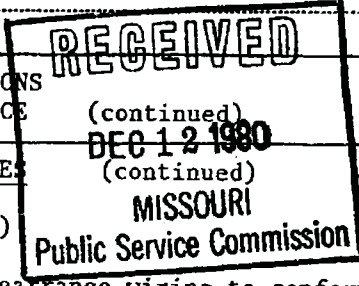
Cancelling P. S. C. MO. No. 2

First { Original Revised } SHEET No. 1.20

KANSAS CITY POWER & LIGHT COMPANY

Name of Issuing Corporation or Municipality

For Rate Areas No. 1 and No. 3 Community, Town or City



GENERAL RULES AND REGULATIONS APPLYING TO ELECTRIC SERVICE

MULTIPLE OCCUPANCY PREMISES

5.03 RESALE AND REDISTRIBUTION: (continued)

deems it would be impractical to rearrange wiring to conform to any such changes;

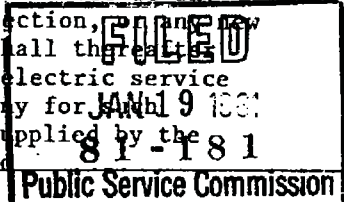
- (iv) An operation of a transient mobile home court (see Rule 14.02) where electric service is supplied by the Company to the operator, as the Customer of the Company, pursuant to an applicable rule or rate schedule of the Company.

In cases where redistribution is permitted under this Rule 5.03, the Company will supply electric service to the owner, lessee, or operator of such multiple occupancy premises, as the Customer of the Company, under an applicable rate schedule and the Customer may, by redistribution, furnish electric service to his tenants in or on such multiple occupancy premises on a rent inclusion basis; i.e., as an incident of the tenancy and without a specific or separate charge for the electric service so furnished by the Customer to his tenant, or a variable rental on account thereof.

5.04 RENT INCLUSION BY LESSOR: Any lessor of a multiple occupancy premise may, by prior arrangement with the Company, elect to receive, and pay to the Company, the electric service bills of his tenants in such premises whose separate premises therein are individually metered and supplied electric service by the Company, provided that each such tenancy includes electric service on a rent inclusion basis. Under such an arrangement the Company may consider the lessor as the Customer for billing and collection purposes but shall individually meter the separate premises of each such tenant.

5.05 PRESENT RESALE PRACTICES: In those few instances where on January 10, 1966, a Customer was engaged, as the lessor of multiple occupancy premises, in the resale of electric service to his tenants therein, such practice as established by the Customer and in effect on January 10, 1966, shall be permitted to continue; provided that,

- (a) if such electric service to the Customer is terminated at any time for any reason, the Customer, upon reconnection, shall charge each tenant therein no more for resale electric service than such tenant would be charged by the Company for electric service if individually metered and supplied by the Company to such tenant's separate premises; and



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