BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Kansas City Power & Light Company's Application for Authorization to Suspend Payment of Certain Solar Rebates	)))	File No. ET-2016-0185

RENEW MISSOURI'S RESPONSE TO KCP&L'S APPLICATION TO SUSPEND PAYMENT OF SOLAR REBATES

COMES NOW, Earth Island Institute d/b/a Renew Missouri ("Renew Missouri"), pursuant to the Commission's January 19, 2015 *Notice and Order Setting Dates for Filings,* and submits this Response to Kansas City Power & Light Company's January 18, 2016 *Application to Suspend Payment of Solar Rebates (*"the Application"). For its Response, Renew Missouri states the following;

1. KCP&L's January 18 Application requests that the Commission authorize the Company to suspend payment of solar rebates, pursuant to §393.1030.3, RSMo. and the terms of the Non-Unanimous Stipulation and Agreement approved in File No. ET-2014-0071. KCP&L's Application also requests that the Commission "determine that the Company will reach the 1% average retail rate impact and therefore authorize it to suspend solar rebate payments once the cap level of $36.5 million is reached, in order to comply with § 393.1030.2(1) RSMo., 4 CSR 240-20.100(5) and the Stipulation."

2. Renew Missouri agrees with KCP&L that a determination of the 1% average retail rate impact ("RRI") is a necessary step the Commission must complete before authorizing KCP&L to suspend solar rebate payments. No party has disputed this requirement or the meaning of §393.1030.3, RSMo, which reads in part:

> If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase

> if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect …. If the commission determines that the maximum average retail rate increase will be reached, the commission shall approve the tariff suspension.

3. Pursuant to the clear language of §393.1030.3, RSMo., KCP&L must first determine for itself whether the 1% RRI will be reached that calendar year. Following that internal determination, the Company must submit its calculation for review by the Commission. Only after the Commission has made its own determination on the 1% RRI may the Commission approve the tariff suspension.

4. In this case, KCP&L has made no attempt to determine its annual RRI, nor has the Company submitted a calculation for the Commission to review. The Company simply relies on the assertion that it has reached the $36.5 million amount specified in the Non-Unanimous Stipulation approved in File No. ET-2014-0071. Accordingly, the necessary steps under the law remain incomplete, and the Commission should not authorize KCP&L to suspend rebate payments for the remainder of the calendar year until those steps are met. KCP&L should not be granted authority to suspend solar rebate payments until it has determined its own 1% average annual retail rate impact limit and submitted the calculation for the Commission's review, in accordance with §393.1030.3, RSMo.

5. The need for submission of a utility's 1% RRI calculation is not nullified by the 2013 Stipulation. Rather, the RRI remains an indispensible part of the legal process. It is a chance for all stakeholders – regulators, governmental agencies, residential and industrial customers, consumer advocates, renewable energy businesses, and clean energy advocates – to see the effect of solar rebates on their utility's rates. It requires the utility to compare what they spent on RES compliance with what they otherwise would have spent to meet demand without an RES requirement.

6. Renew Missouri does not object to KCP&L's ability to suspend solar rebate payments after paying out the amount agreed upon by Stipulation. Nor does Renew Missouri seek to compel KCP&L to pay out additional rebates or to make further investments in renewable energy as a result of this case. What we object to is the incompleteness of the Company's application, namely the lack of a 1% RRI calculation. The lack of a 1% RRI calculation is compounded by the fact that KCP&L – and every other investor-owned utility – have failed to submit a compliant RRI calculation in any case, even where it is explicitly required by law. This leaves all parties unsure as to what the actual rate impacts of KCP&L's renewable energy investments have been since RES compliance started in 2011.

7. The Commission recently revised the administrative rules that govern how and when the 1% RRI calculation should be performed (4 CSR 240-20.100). Among other changes, the Commission clarified unambiguously that a utility's RRI must be submitted each and every year with the utility's RES Compliance Plan and Report (due April 15 of each calendar year). Failure to require an RRI to be filed in this case will only put off resolving how utilities should perform the RRI and will further deny stakeholders the opportunity to review, critique, or make business and investment decisions based on KCP&L's RRI calculation.

WHEREFORE, Renew Missouri requests that the Commission order Kansas City Power & Light Company to: 1) determine its 1% average annual retail rate impact limit calculated in accordance with the Commission's rule at 4 CSR 240-20.100(5), and 2) submit such calculation for the Commission's review in accordance with the procedures required by §393.1030.3 RSMo.

Respectfully Submitted,

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