

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

In the Matter of KCP&L Greater Missouri Operations        )  
Company’s Application for Authority to Establish a        )        File No. EO-2014-0151  
Renewable Energy Standard Rate Adjustment Mechanism    )

**RENEW MISSOURI’S APPLICATION FOR REHEARING  
AND MOTION FOR REHEARING**

COMES NOW Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”), pursuant to Section 386.410, RSMo and 4 CSR 240-2.160 and herein apply for rehearing on the Commission’s *Order Denying Relief*, issued on December 17, 2014 in the above-styled case. For its Application for Rehearing and Motion for Reconsideration, Renew Missouri states:

1. In its December 17, 2014 *Order Denying Relief*, the Commission denied Renew Missouri relief by finding that a hearing was not necessary for this non-contested case:<sup>1</sup>

Since no law requires a hearing on this request for relief, this is a non-contested case. The Commission does not need to hear evidence before reaching a decision and does not need to make findings of fact and conclusions of law in announcing that decision. The Commission concludes that the relief requested by Renew Missouri to modify GMO’s existing RESRAM tariff should be denied.

**I. Evidentiary Hearing Required to be Provided in this Case**

2. As a preliminary matter, Renew Missouri calls the Commission’s attention to 4 CSR 240-20.100(6)(C)(1), which requires the Commission to “establish a procedural schedule providing for an evidentiary hearing” among other requirements. The Commission is correct in citing the definition of “contested case” in Section 536.010(4), RSMo. as well as the *State ex rel.*

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<sup>1</sup> “Order Denying Relief,” File No. EO-2014-0151, pg. 3

*Public Counsel v. Public Service Commission*<sup>2</sup> case to conclude that no hearing is specifically required on Renew Missouri's request for relief. However, Renew Missouri has not requested a hearing on its request for relief; in fact, Renew Missouri only articulated a "request for relief" in response to an order from the Commission in this case.<sup>3</sup> Renew Missouri is interested only in participating in the evidentiary hearing that was required to be scheduled by 4 CSR 240-20.100(6)(C)1, which was scheduled for February 3, 2014 in this case.

## **II. No Demonstration that Benefits Will Be Passed Through FAC**

3. In its December 16 Order, the Commission concluded that because the Non-Unanimous Partial Stipulation and Agreement between the parties agreed that GMO's benefits would be passed through to consumers through its fuel adjustment clause, there was no need to reconsider GMO's RESRAM tariff. The Commission's Order states:<sup>4</sup>

However, the Agreement states that GMO's costs and revenues from compliance with the renewable energy standard are currently being flowed through GMO's fuel adjustment clause, which cannot be changed outside of a general rate proceeding. Therefore, to the extent that Renew Missouri requests that the Commission reconsider GMO's RESRAM tariff that it previously approved, the Commission declines to do so in this proceeding.

4. Renew Missouri asks the Commission to reconsider its conclusion, because there has been no factual or evidentiary demonstration that benefits will be passed through to consumers. As such, the Commission's decision – to allow GMO to recover its RES costs

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<sup>2</sup> Id. (citing Section 536.010(4), RSMo Supp. 2013 and *State ex rel. Public Counsel v. Public Service Commission* 259 S.W.3d 23, 29 (Mo App. 2008)).

<sup>3</sup> See "Renew Missouri's Brief Regarding Commission's Authority to Grant Relief Requested."

<sup>4</sup> "Order Denying Relief," File No. EO-2014-0151, pg. 3.

without demonstrating pass-through of benefits is arbitrary and capricious because it is based on incomplete information.

5. Other than the utility's own assertion, there has been no evidence put forth to demonstrate how or in what quantity benefits will be passed through to consumers. The Commission does not need to modify GMO's FAC in this case in order to require some showing from the utility on how it quantifies its RESRAM benefits.

6. This case requires an evidentiary hearing to bring to light the details of GMO's assertion that all RESRAM benefits will be passed through to customers. Even if the actual pass-through mechanism will occur as a result of a future case, the Commission is still approving the use of that mechanism in this case. Intervening parties must be given a chance to provide input on whether GMO is correctly passing through all existing benefits.

WHEREFORE, Renew Missouri requests that the Commission rehear the case and amend or modify its order in accordance with this Application.

Respectfully Submitted,

/s/ Andrew J. Linhares # 63973

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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 23<sup>rd</sup> day of December, 2014.

*/s/ Andrew J. Linhares* \_\_\_\_\_  
Andrew J. Linhares