

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

In the Matter of the Application of Kansas City )  
Power & Light Company for Approval to Make )  
Certain Changes in its Charges for Electric Service )  
to Continue the Implementation of its Regulatory )  
Plan. )

**Case No. ER-2010-0355**  
Tariff Nos. YE-2011-0523  
and YE-2011-0534

**STAFF RECOMMENDATION TO APPROVE TARIFF SHEETS**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and for its recommendation states:

1. Staff stated the following in its April 25, 2011, response to the objection of The Office of the Public Counsel and Robert Wagner to Kansas City Power & Light Company’s compliance tariff sheets:

On April 21, 2011, Staff filed its recommendation the Commission approve to become effective May 4, 2011, the tariff sheets Kansas City Power & Light Company filed to comply with the Commission’s April 12, 2011, *Report and Order* in this case.

The following day the Office of the Public Counsel and Robert Wagner objected to four of the tariff sheets asserting they do not comply with the terms of the *Non-Unanimous Stipulation And Agreement As To Outdoor Lighting Issues* the Commission approved in its *Report and Order*.

As the objectors note, that stipulation and agreement, among other things, provides:

KCP&L will offer a Voluntary Part-Night Lighting Tariff, the rates and terms for which will be developed upon customer request and approved by the Commission.

Since Kansas City Power & Light Company’s tariff establishes its relationship with its customers for providing electric service, absent the rates and terms upon which Kansas City Power & Light Company “will offer a Voluntary Part-Night Lighting Tariff,” Staff believes the foregoing provision of the stipulation and agreement does not require any reference to voluntary part-night lighting in Kansas City Power & Light Company’s

tariff and, so, does not change its recommendation; however, Staff is not opposed to including in Kansas City Power & Light Company's tariff notice, in addition to that provided by the stipulation and agreement and the Commission's *Report and Order*, that upon customer request Kansas City Power & Light Company will develop rates and terms for Voluntary Part-Night Lighting and seek Commission approval of them.

2. In the attached Memorandum (Appendix A), the Missouri Public Service Commission Energy Department Staff (Staff) relates that in response to the objection, The Office of the Public Counsel, Robert Wagner, Kansas City Power & Light Company and Staff had had discussions about resolving the objection. To do so Kansas City Power & Light Company has filed a proposed new Tariff Sheet No. 47 and substitute Tariff Sheet No. TOC-1. Those tariff sheets are the subject of this recommendation.

3. Proposed new Tariff Sheet No. 47 states the provision of the *Non-Unanimous Stipulation And Agreement As To Outdoor Lighting Issues* quoted above; therefore, as Staff states in Appendix A, Staff does not oppose it.

4. Kansas City Power & Light Company filed a motion asserting "good cause" for purposes of section 393.140(11), RSMo., to allow these tariff sheets to become effective on less than thirty days' notice. Section 393.140(11), RSMo., provides: "The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe." Solely because these tariff sheets relate to notice and an early effective date may give Kansas City Power & Light Company's retail customers earlier notice of the availability of rates and terms for voluntary part-night lighting upon customer request, Staff is of the opinion there is sufficient good cause to allow these tariff sheets to become effective on less than thirty days' notice.

5. In the attached Memorandum (Appendix A), the Missouri Public Service Commission Energy Department Staff (Staff) recommends that the Commission issue an Order

that, for good cause shown, approves the following proposed tariff sheets, as filed on April 18, 2011, and substituted on April 26, 2011 and filed on April 26, 2011, to become effective on May 4, 2011, as KCPL requests:

P.S.C. MO. No. 7 (Rates)

Ninth Revised Sheet No. TOC-1Cancelling Eighth Revised Sheet No. TOC-1  
Original Sheet No. 47

6. The Staff has verified that KCPL still is not delinquent in filing its 2010 annual report—it has a filing extension to May 15, 2011—and that KCPL is not delinquent on its assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing.

**WHEREFORE**, Staff requests the Commission issue an Order that finds (1) good cause shown to make them effective on less than thirty days' notice and (2) approves the following proposed tariff sheets, as filed on April 18, 2011, and substituted on April 26, 2011 and filed on April 26, 2011, to become effective on May 4, 2011, as KCPL requests:

P.S.C. MO. No. 7 (Rates)

Ninth Revised Sheet No. TOC-1Cancelling Eighth Revised Sheet No. TOC-1  
Original Sheet No. 47

Respectfully submitted,

/s/ Nathan Williams

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## **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 26<sup>th</sup> day of April 2011.

**/s/ Nathan Williams**

## SECOND MEMORANDUM

TO: Missouri Public Service Commission Official Case File  
Case No. ER-2010-0355, Tariff Filing Nos. YE-2011-0523 and YE-2011-0534  
Kansas City Power & Light Company

FROM: Mike Scheperle, Manager, Economic Analysis  
Mack McDuffey, Rate & Tariff Examiner II

/s/ Curt Wells 4/26/11                      /s/ Nathan Williams 4/26/11  
Co-Case Coordinator / Date                      Staff Counsel Division / Date

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed To Offer a Voluntary Part-Night Lighting Tariff and to modify Table of Contents

DATE: April 26, 2011

On April 26, 2011, Kansas City Power & Light Company (KCPL) filed with the Commission one (1) tariff sheet titled "Part Night Lighting Schedule PNL" with an issue date of April 26, 2011, and a proposed effective date of May 26, 2011, together with a substitute tariff sheet "Table of Contents of Rates for State of Missouri" to add a reference to the availability of Part Night Lighting on customer request. KCPL also filed its Motion For Expedited Consideration And Approval Of Tariff Sheet Filed In Compliance With Commission Order On Less Than Thirty Days' Notice (Motion) seeking for the tariff sheets to become effective May 4, 2011.

The Non-Unanimous Stipulation and Agreement As to Outdoor Lighting Issues the Commission approved with its April 12, 2011, Report And Order Approving Non-Unanimous Stipulations and Agreements and Authorizing Tariff Filing, includes the following:

KCP&L will offer a Voluntary Part-Night Lighting Tariff, the rates and terms for which will be developed upon customer request and approved by the Commission.

KCPL and the Commission's Energy Department Staff (Staff) understood that no tariff provision would be developed to implement this commitment until a customer made a request.

The filing of The Office of the Public Counsel's and Robert Wagner's "Objection To Rates Sheets 33, 35, 36, and 45" has created discussion among Robert Wagner, Office of the Public Counsel, KCPL and Staff. They have resolved the objection by KCPL filing one tariff sheet to be included with the compliance tariff sheets filing stating the Availability for Part Night Lighting and an update to the Table of Contents.

Staff views that adding this Part Night Lighting tariff provision is consistent with the Commission's April 12, 2011 Report And Order Approving Non-Unanimous Stipulations and Agreements and Authorizing Tariff Filing.

Staff Recommendation

The Staff has reviewed the filed tariff sheets, and, because it does not oppose them, Staff recommends that the Commission issue an order approving the following proposed new tariff sheet and substitute tariff sheet, as filed on April 26, 2011, to become effective on May 4, 2011 as requested by KCPL in its Motion, with less than 30 day's notice:

P.S.C. MO. No. 7

Ninth Revised Sheet No. TOC-1 Cancellling Eighth Revised Sheet No. TOC-1  
Original Sheet No. 47

The Staff has verified that KCPL has not filed its 2010 annual report but has a filing extension to May 15<sup>th</sup>, and is not delinquent on its assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing.