

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

**BRIARCLIFF DEVELOPMENT COMPANY,)
a Missouri Corporation)**

COMPLAINANT)

v.)

**KANSAS CITY POWER & LIGHT)
COMPANY)**

RESPONDENT)

CASE NO. EC-2011-0383

APPLICATION FOR REHEARING OF BRIARCLIFF DEVELOPMENT COMPANY

COMES NOW, Complainant, BRIARCLIFF DEVELOPMENT COMPANY ("Briarcliff") and pursuant to Section 386.500, RSMo. and 4 CSR 240-2.160 of the Commission's Rules of Practice and Procedure, and through its attorney seeks rehearing of the Commission' Report and Order issued March 7, 2012 with an effective date of April 6, 2012 because it is unlawful, unjust, discriminatory and unreasonable in the following particulars:

1. The finding by the Commission at Paragraph 31, that "Briarcliff did not physically occupy any part of the premises at Briarcliff I and, consequently, did not receive or use electric service from KCP&L at that location" is not supported by competent and substantial evidence on the record is unreasonable, unjust and unlawful. While it is true on cross-examination at Tr. 68 that Briarcliff's witness stated that Briarcliff did not physically occupy the building, it does not follow that Briarcliff did not receive or use electric service from KCP&L at that location. At Tr. 72-73, Briarcliff's witness, in response to redirect as to who received the electricity at Briarcliff I, stated that it was the "landlord, which is Briarcliff Development Company", which provides

the electricity service to its tenants pursuant to a provision in their leases and also that Briarcliff uses and pays for the electricity received and used for the common areas of the Briarcliff I building.

2. That the Conclusion of Law that the Commission does not have the authority to grant Briarcliff's request for re-billing, refund and interest so as to make Briarcliff whole after the Commission found that "KCP&L improperly refused to provide service to Briarcliff under the all-electric rate schedule when the name on the account for the Briarcliff I building changed in August 2009" is unreasonable, unjust, unlawful and discriminatory in that by not ordering KCP&L to refund the overcharges, the Commission allows the Briarcliff I building to be charged higher rates for service from August 5, 2009 to April 6, 2012 than it would have been properly and legally charged under the all-electric rate to which it was entitled during such time period.

WHEREFORE, Complainant respectfully requests that the Commission grant this application for rehearing.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.,

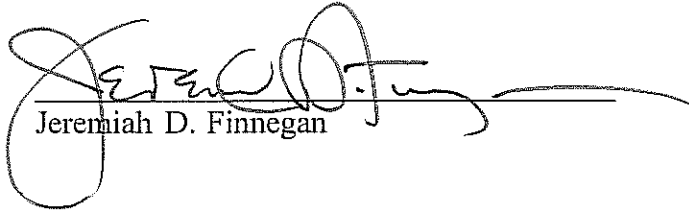
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ATTORNEYS FOR BRIARCLIFF
DEVELOPMENT COMPANY

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 5th day of April, 2012.



Jeremiah D. Finnegan