

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE 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 ) **Case No. ER-2010-0355**  
Service to Continue the Implementation of its )  
Regulatory Plan )

In the Matter of the Application of Aquila, Inc. )  
dba KCP&L Greater Missouri Operations ) **Case No. ER-2010-0356**  
Company for Approval to Make Certain )  
Changes in its Charges for Electric Service )

**ROBERT WAGNER’S STATEMENT OF POSITION**

COMES NOW Robert Wagner, Pro Se Intervener, and states as follows:

Robert Wagner is actively participating in issues related to outdoor lighting in these cases.

Consequently, this Statement of Position will be confined to those issues. In the LIST OF ISSUES filed on January 7, 2011 these can be found under RATE DESIGN/ CLASS COST OF SERVICE STUDY KCP&L Common Issues (75 and 76) and GMO only (88 and 89). However, Robert Wagner’s silence on the other issues in the above-styled case should not be construed as agreement with the position advocated by any other party to this case. Robert Wagner may modify his position as the evidence warrants, or as the nature of the issues change.

KCP&L and GMO Common Issues – **both ER-2010-0355 and ER-2010-0356**

**75. LED street and area lighting system**

A. Should the Commission order KPCL and GMO to complete an evaluation of Light Emitting Diode (LED) Street and Area Lighting (SAL) systems and, no later than twelve (12) months after the effective date of the Commission’s Report and Order in this case, file proposed

LED lighting tariff sheet(s) to offer a LED SAL demand-side program, unless KCPL's and GMO's analysis shows that a LED SAL demand-side program would not be cost-effective, and, if a LED SAL demand-side program is not cost-effective, update the Staff as to the rationale of the analysis and file a proposed tariff sheet(s) that would provide LED SAL services at cost to its customers.

Robert Wagner's position is that the Commission should not order the Companies to file LED lighting tariff sheet(s) while public health issues are outstanding and there is a potential for regulation as a hazardous product (Wagner Rebuttal Testimony, P.4, L.6 – P.5, L.4). Instead, the Commission should identify the appropriate state official and request an immediate public advisory regarding the known and potential concerns of white-blue LEDs and their impact on public health and especially children until the EPA formally responds (Wagner Rebuttal Testimony, P.5, L.1 – 4); and seek a formal response to the EPA hazardous pollutant petition (Wagner Rebuttal Testimony, P.4, L.13 – 15). In addition, additional LED lighting tariff sheet(s) would not be necessary if item 76(B) were adopted below (Wagner Rebuttal Testimony, P.4, L.20 – 22).

**76. Outdoor lighting**

Should the Commission adopt Mr. Wagner's proposal to order KPCL and GMO to do the following?

A. Develop LED Lighting rates within a year.

Robert Wagner's position is the same as listed above in number 75.

B. Add voluntary part-night outdoor lighting rates.

Robert Wagner's position is Yes (Wagner Direct Testimony, P.1, L.17 – P.5, L.19).

Additionally, the Companies should: provide a formal report on the fiscal impact of group

relamping versus spot relamping (Wagner Surrebuttal Testimony, P.4, L.21 – 23); waive the removal costs of outdoor luminaires (Wagner Surrebuttal Testimony, P.2, L.5 – 7) following a rate increase; provide costs for customer conversion to part-night lighting (Wagner Surrebuttal Testimony, P.2, L.5 – 7) at regular relamping and as a stand-alone maintenance trip; and the Commission should establish a state minimum standard for the “off” period of not less than 6 hours (Wagner Direct Testimony, P.5, L.17 – 19).

C. Add lower wattage outdoor lights as an available option.

Robert Wagner’s position is that for all schedules related to street and area lighting a 50-Watt (4000 lumen) High Pressure Sodium lamp should be added. For KCP&L Sheets 35 and 36A, and GMO Sheets 41, 43, and 47 a 70-Watt HPS lamp should be added (Wagner Direct Testimony, P.6, L.14 – 16).

D. Convert rates from listing output lumens/wattage to the amount of light on the ground.

Robert Wagner’s position is Yes as this will result in a rate that is meaningful to the customer and, in addition, that future luminaires provided be fully shielded (no direct emissions of light above the horizontal from the lamp, reflector or lens) to provide the customer with a light that directs all of its emissions toward the ground with the exception of decorative luminaires (Wagner Direct Testimony, P.8, L.5 – P.10, L.4). Additionally, the Companies and interested parties should meet and issue a report stating recommended method for converting such rates within six months (Wagner Direct Testimony, P.10, L.2 – 4).

E. Discontinue marketing outdoor lights as safety or crime prevention devices without a guarantee.

Robert Wagner’s position is Yes (Wagner Direct Testimony, P.10, L.5 – P.12, L.4)

**88. Municipal Street Lighting**

A. Should GMO’s proposed increase in rates for its Municipal Street Lighting Service be applied to all elements involved in the leased street light system?

Robert Wagner’s position is that no rate increase should be approved without also approving the issues listed in item number 76.

**89. Street Lighting Purchase**

A. Should the effect on current negotiations between Lee’s Summit and GMO for purchase of the leased street light system be considered in setting increased rates for Municipal Street Lighting Service?

Robert Wagner does not have a position on this issue.

WHEREFORE, Robert Wagner respectfully submits his Statement of Position.

Respectfully submitted,



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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 12<sup>th</sup> day of January 2011.



*Peter A. Wagner*

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