

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

In the Matter of Kansas City)	
Power & Light Company's Request)	Case No. ER-2014-0370
for Authority to Implement a General)	
Rate Increase for Electric Service)	

APPLICATION FOR REHEARING

COMES NOW the Midwest Energy Consumers Group ("MECG") and, for its Application for Rehearing from the Commission's September 29, 2015 *Order Denying MECG's Objections and Request for Hearing* ("Order"), respectfully state as follows:

1. On September 15, 2015, MECG filed its Objection to Tariffs, Objection to Affidavits and Request for Hearing. On September 16, 2015, the Commission issued its *Order Regarding Compliance Tariff Sheets*. The practical effect of that September 16 Order was to deny MECG's September 15, 2015 filing. Given this implicit rejection of its pleading, MECG filed its Application for Rehearing regarding the Commission's September 16, 2015 *Order Regarding Compliance Tariff Sheets* on September 28, 2015.

2. On September 29, 2015, the Commission issued its *Order Denying MECG's Objections and Request for Hearing*. In that Order, the Commission explicitly rejected MECG's September 15 filing. Out of an abundance of caution and in order to preserve all of its appeal rights, MECG's hereby files another Application for Rehearing of the Commission's September 29, 2015 *Order Denying MECG's Objections and Request for Hearing*.

3. The Commission's Order is unlawful, unreasonable, an abuse of discretion and is based upon improper process and procedure in that it fails to allow parties

adequate time to review the KCPL compliance tariffs. Most egregious, for certain tariff sheets, the notice period was reduced to less than a single day.

4. The Commission's Order is unlawful, unreasonable, an abuse of discretion and is based upon improper process and procedure in that it fails to make adequate findings of fact for a reviewing court to determine that the KCPL tariffs are actually in compliance with the September 2, 2015 Report and Order. Instead, the Commission simply makes a conclusory finding that the tariff sheets comply with the Report and Order.

5. The Commission's Order is unlawful, unreasonable, an abuse of discretion and is based upon improper process and procedure in that its finding that the KCPL tariffs are in compliance with the September 2, 2015 Report and Order is not based upon competent and substantial evidence.

6. The Commission's Order is unlawful, unreasonable, an abuse of discretion and is based upon improper process and procedure in that it violates Section 536.070(12) by overruling MECG's September 15, 2015 Objection to Staff's affidavits and refusing to provide MECG an opportunity to cross examine the Staff affiants on the substance of their affidavits.

6. The Commission's Order is unlawful, unreasonable, an abuse of discretion and is based upon improper process and procedure in that it refused to grant MECG's September 15, 2015 Motion for Hearing at which MECG sought to provide the competent and substantial evidence necessary to show that the KCPL tariffs failed to comply with the Commission's Report and Order and applicable statutory provisions.

7. The Commission's Order is unlawful, unreasonable, an abuse of discretion and based upon improper process and procedure in that it expedited the effective date of the KCPL compliance tariffs without good cause shown in contravention of Section 393.140(11).

8. The Commission's Order is unlawful, unreasonable, an abuse of discretion and based upon improper process and procedure in that, during its deliberations regarding KCPL's compliance tariffs, certain Commissioners specifically relied upon communications with Staff counsel, a party to this proceeding. The content of such communications are contrary to the Commission's ex-parte rule and not considered competent and substantial evidence.

9. The Commission's Order is unlawful, unreasonable, an abuse of discretion and based upon improper process and procedure in that it provided for an effective date for KCPL's fuel adjustment clause compliance tariffs in contravention of 4 CSR 240-20.090(1)(I).

WHEREFORE, MECG respectfully requests that the Commission grant this Application for Rehearing.

Respectfully submitted,



David L. Woodsmall (MBE #40747)
308 E. High Street, Suite 204
Jefferson City, MO 65101
(573) 636-6006 voice
(573) 636-6007 facsimile
david.woodsmall@woodsmalllaw.com

ATTORNEY FOR THE MIDWEST
ENERGY CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



David L. Woodsmall

Dated: September 30, 2015