

Briarcliff Development Company)
Complainant,)
)
v.)
)
Kansas City Power & Light Company)
Respondent.)

STAFF'S POSITION STATEMENT

1. Issue: Did KCP&L properly apply its tariff as of August 2009 in refusing to provide service to Briarcliff I on the 1LGAE (general service all-electric) rate schedule under a customer name differing from the customer name associated with that service prior to the general service all-electric rate schedule being frozen? **Staff Position: Yes.**

2. Issue: Does the Commission have the authority to waive or vary KCP&L's tariff provisions that restrict KCP&L from providing service to Briarcliff I on the all electric schedule ILGAE on a prospective basis? If so, should it? **Staff Position: No, the Commission is bound by lawfully promulgated tariff sheets. While the Commission can order a utility to file compliance tariff sheets, the Commission is without authority to waive or vary lawfully promulgated tariff sheets.**

3. Issue: Should the Commission order KCP&L to file a revised tariff sheet allowing KCP&L to provide service to Briarcliff I on an all-electric schedule on a prospective basis? **Staff Position: No. For the reasons the Commission initially froze KCPL's all-electric schedule, the Commission should decline to reopen it or extend it in any way.**

The Commission's decision to limit the use of the schedule through attrition was reasonable, and should not be abandoned.

WHEREFORE, the Staff submits its Statement of Position.

Respectfully submitted,

**THE STAFF OF THE
MISSOURI PUBLIC SERVICE
COMMISSION**

/s/
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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 13th day of January, 2012.

/s/ Sarah Kliethermes