

WM. DIRK VANDEVER
SCOTT W. MACH
DENNIS E. EGAN
BERT S. BRAUD*
MARK SCHLOEGEL**

THE POPHAM LAW FIRM, P. C.

712 BROADWAY, SUITE 100
KANSAS CITY, MISSOURI 64105

(816) 221-2288

FACSIMILE - (816) 221-3999

email: popham@pophamlaw.com

website: www.pophamlaw.com

THOS. J. CONWAY 1913-1995
ERNEST H. FREMONT, JR. 1925-1998
ARTHUR C. POPHAM, JR. 1915-2009

RETIRED
WILLIAM B. BUNDSCHU
THOMAS A. SWEENEY
*ADMITTED IN MISSOURI & KANSAS
**ADMITTED IN MISSOURI & COLORADO

FILED

AUG 20 2013

Missouri Public
Service Commission

August 16, 2013

*Missouri Public Service Commission
Governor Office Building
200 Madison Street
PO Box 360
Jefferson City, MO 65102-0360
Our toll-free number is 1-800-392-4211*

Dear Missouri Public Service Commission,

Our firm represents SunSmart Technologies, LLS. They provide and install solar energy projects for KCP&L customers. Please file and review their Formal Complaint included in this letter.

In summary, KCP&L has denied and delayed solar energy applications for several of SunSmart and KCP&L customers. KCP&L's denials are unjustified, and have caused harm to SunSmart and KCP&L customers.

Per our complaint, we request that the Missouri Public Service Commission immediately demand that KCP&L approve and process the "original" applications at issue, so as to avoid any further and unnecessary delay. Please let us know if you have any questions.

Thank You,


Mark Schloegel

FILED

AUG 20 2013

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

SunSmart Technologies, LLC)
)
 Complainant)
v.) Case No: _____
)
Kansas City Power & Light)
)
 Respondent)

FORMAL COMPLAINT

1. Complainant SunSmart Technologies, LLC ("SunSmart") is a Missouri company located at 701 NE 76th st, Gladstone, MO 64118.
2. Respondent, Kansas City Power & Light ("KCP&L") of Kansas City, Missouri, is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri.
3. As the basis of this complaint, SunSmart states the follow facts:
4. KCP&L unjustly and illegally rejected 25 solar project applications from customers of SunSmart and KCP&L. The rejections have caused and will cause damage to SunSmart and KCP&L customers, specifically including delays in solar projects, the loss of rebates, breach of contracts, money damages, and other forms of damage.
5. The solar project applications specifically identified that all PV equipment meet UL standards and certifications.
6. At the time the solar projects were originally submitted SunSmart followed KCP&L's own Solar Rebate and Net Metering Application Standards.
7. The solar project applications followed all KCP&L requirements.

8. Nonetheless, the applications were unjustly and illegally rejected anyway.
9. The rejections of the applications cause unnecessary delay and harm, including the loss of money, and breach of contract, and interference with business relationship, damages, and loss of rebates to customers of KCP&L and SunSmart.
10. KCP&L claims that the applications failed to state that all PV equipment was UL “1703” certified verses merely stating that the PV equipment was UL certified.
11. KCP&L’s denial of applications is unjust and illegal because there is no requirement that the application actually state “1703”.
12. In fact, KCP&L’s own policies (Solar Rebate and Net Metering Application Standards) merely state that the applications must “reference UL certification”, which is exactly what SunSmart and KCP&L customers listed.
13. KCP&L has not furnished any evidence that KCP&L, at the time of original submittal, **required** the submitted panel specification sheets to specifically list “1703”.
14. In addition, the specified equipment SunSmart uses for their PV projects **always have been, is, and will always be** UL listed.
15. There will be no change of equipment as a result of these rejections, as there is no need.
16. Nonetheless, out of an abundance of caution, SunSmart supplemented the applications and specifically stated that the equipment was “1703” certified.
17. KCP&L, however, decided to process the supplemented applications as “new” applications and added the applications to the “queue” – further causing delay. This unnecessary delay will cause harm and damage, including delays in solar

projects, the loss of rebates, breach of contracts, money damages, and other forms of damage to both SunSmart and KCP&L customers.

18. The customers and contracts harmed include:

- [illegible]

19. All of SunSmart's affected customers are customers of KCP&L.

20. SunSmart has taken the following steps to present this complaint to KCP&L:

submitted a complaint to KCP&L and filed an informal complaint with the MPSC. KCP&L denied SunSmart's complaints and refused to approve the applications at issue.


21. SunSmart requests a hearing on all issues as soon as possible.

22. In the event this situation cannot be resolved quickly SunSmart will have no choice but to file a lawsuit.

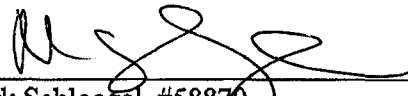
WHEREFORE, SunSmart requests the following relief:

SunSmart requests that the Public Service Commission require KCP&L to expedite and approve the "original" solar project applications on the accounts listed above within 90/30 days of the "original" submittal date for each application, and for all other relief that is just and equitable.

8/16/13
Date
816-298-7619
Phone


Signature of Complainant
Ted@SunSmartUSA.com
email

Respectfully Submitted,


Mark Schloegel #58870
The Popham Law Firm, P.C.
712 Broadway, Suite 100
Kansas City, Missouri 64105
Phone: (816)512-2626
Fax: (816)221-3999
mschloegel@pophamlaw.com

ATTORNEY FOR COMPLAINANT