

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16th day of February, 2017.

In the Matter of the Application of KCP&L Greater Missouri Operations Company Containing Its Semi-Annual Fuel Adjustment Clause True-Up)
) **File No. ER-2017-0189**
)

In the Matter of KCP&L Greater Missouri Operations Company Request for Authority to Implement Rate Adjustments Required by 4 CSR 240-20.090(4) and the Company's Approved Fuel Adjustment Clause)
) **File No. ER-2017-0188**
) **Tariff No. JE-2017-0135**
)

**ORDER RESOLVING ANNUAL FUEL ADJUSTMENT CLAUSE
TRUE-UP AND TARIFF**

Issue Date: February 16, 2017

Effective Date: March 1, 2017

On December 30, 2016, KCP&L Greater Missouri Operations Company ("GMO"), submitted an application containing its sixteenth true-up filing for its Fuel Adjustment Clause ("FAC"), as required by Section 386.266.4(2) and Commission Rules 4 CSR 240-3.161(8) and 4 CSR 240-20.090(5). GMO requests that the Commission authorize a true-up adjustment and implement it under its FAC tariff for the recovery period ending August 31, 2016. The submitted FAC tariff, which was substituted on January 19 and 26, 2017, bears an effective date of March 1, 2017 and is titled as GMO, P.S.C. MO. No 1, 14th Revised Sheet No. 127, canceling 13th Revised Sheet No. 127 ("14th tariff").

FAC true-up

The true-up amounts identified in this filing are the result of an over-collection of \$146,087 from customers in GMO's MPS rate district and over-collection of \$188,467 from customers in its L&P rate district during Recovery Period 16 ("RP16") from September 1,

2015 through August 31, 2016. The true-up amounts for RP16 are included in the calculation of the Fuel and Purchased Power Adjustment (“FPA”) amount included in GMO’s Accumulation Period 19 (“AP19”) adjustment filing, also filed on December 30, 2016 in File No. ER-2017-0188, in compliance with GMO’s FAC.

Staff examined the direct testimony of Lisa A. Starkebaum, the supporting schedules GMO provided with its application in this case, and the monthly information GMO has submitted to the Commission. Staff also reviewed GMO’s monthly interest calculations and agrees with them. Staff has verified that GMO has filed its 2015 annual report and is not delinquent on any assessment. GMO is current on the filing of its Surveillance Monitoring reports as required in 4 CSR 240-20.090(10) and its monthly reports as required by 4 CSR 240-3.161(5). Staff is not aware of any other matter before the Commission that affects or is affected by this filing, except as noted herein. Staff recommends the Commission approve GMO’s RP16 true-up filing which indicates GMO over-collected \$146,087 from customers in its MPS rate district and over-collected \$188,467 from customers in its L&P rate district, with interest, for inclusion in the calculation of the FPA amount included in GMO’s AP19 adjustment filing in File No. ER-2017-0188.

Neither the governing statute¹ nor any other law requires a hearing before approving the unopposed application.² Because this is a non-contested case, the Commission acts on evidence that is not formally adduced and preserved.³ There is no

¹ Section 386.266, RSMo (Supp. 2013). This section provides for a hearing when the FAC is approved, modified or rejected. It does not require a hearing when annual true-ups are filed by the company. Commission Rule 4 CSR 240-20.090(5) states the Commission may hold a hearing if needed, one is not required.

² Section 536.010(4), RSMo (Supp. 2013), defines a contested as “a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing.” *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App.1989).

³ *State ex rel. Public Counsel v. Public Service Commission*, 210 S.W.3d 344, 353-355 (Mo. App. 2006).

evidentiary record.⁴ Consequently, the Commission bases its decision on the parties' verified filings. Based on the Commission's independent and impartial review of the verified filings, the Commission finds that it is in the public interest to approve GMO's application and authorize GMO to include the calculated amounts in its next FAC accumulation period as previously described.

FAC tariff

With regard to GMO's request to approve its 14th FAC tariff in File No. ER-2017-0188, Staff verified that GMO's actual fuel and purchased power costs match the fuel and purchased power costs included in the company's calculated rates set in the submitted tariff. Staff advises the Commission to approve the 14th tariff submitted by GMO to become effective on its March 1, 2017 effective date, but only if GMO's 13th Revised Sheet No. 127 ("13th tariff") becomes effective on or after February 22, 2017 but prior to March 1, 2017. Staff explains that the 13th tariff, which the 14th tariff purports to replace, has not yet become effective. The 13th tariff was approved by the Commission as part of GMO's most recent general rate case in File No. ER-2016-0156, but the effective date of that tariff was delayed by subsequent order of the Commission until February 22, 2017 due to the discovery of a bill presentation issue preventing GMO from generating bills that reflect the new rates and rate structures set out in the 13th tariff. The Commission cannot approve the 14th tariff until the tariff that it replaces is effective, and the Commission will not know whether the 13th tariff has become effective until February 22. However, if the Commission were to issue an order approving the 14th tariff after February 22, that order would not have the required ten days prior to March 1 for

⁴ *Id.*

such an order to become effective.⁵ Therefore, since the Commission finds that the 14th tariff implementing the FAC rate adjustment is in compliance with the Commission's order establishing the FAC and with all applicable statutes and regulations, the Commission will allow the 14th tariff to become effective on March 1, 2017 by operation of law.⁶

THE COMMISSION ORDERS THAT:

1. The true-up amounts for Recovery Period 16 are established for KCP&L Greater Missouri Operations Company as an over-collection of \$146,087 from customers in its MPS rate district and over-collection of \$188,467 from customers in its L&P rate district and shall be reflected in the rate adjustment in Commission File No. ER-2017-0188.
2. This order shall become effective on March 1, 2017.
3. This file shall close on March 2, 2017.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Bushmann, Senior Regulatory Law Judge

⁵ *State ex rel. Office of the Public Counsel v. Public Service Commission*, 409 S.W.3d 522, 529 (Mo. App. 2013), stating that "any shortening of the date on which PSC orders will become effective to less than ten days is presumptively unreasonable and, if challenged, would require the PSC to demonstrate that the circumstances surrounding the case are so extraordinary as to clearly warrant further encroachment on the time provided to the parties in which to exercise their right to apply for rehearing and/or appeal and that the time allowed was reasonably sufficient."

⁶ Commission Rule CSR 240-20.090(4).

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 16th day of February 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

February 16, 2017

File/Case No. ER-2017-0188 and ER-2017-0189

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large initial "M".

**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.