

Exhibit No.: 19  
Witness: Greg Elam  
Type of Exhibit: Direct  
Sponsor: Boulevard Brewing Company  
Case No.: EC-2006-0332

KCPL response to Nall Valley Complaint re CIAC taxes, January 2005

**C. The CIAC Issue Is Moot Because KCPL Agrees That It Should Not Collect CIAC Tax From Nall Valley For the Projects.**

19. Nall Valley and AES argue that KCPL "should not collect CIAC tax for this relocation" KCPL Agrees. KCPL initially treated Nall Valley's request to relocate facilities underground simply as a developer-initiated request to relocate facilities. Under those circumstances, it would have been entirely appropriate for KCPL to collect a CIAC tax from Nall Valley. However, through subsequent conversations with AES and Nall Valley, KCPL concluded that the City of Leawood was ultimately responsible for requesting the relocation. This being no longer the case, it is no longer appropriate for KCPL to collect a CIAC tax from Nall Valley. Consequently, KCPL agreed to refund \$34,136.19 to Nall Valley- the full amount of the CIAC taxes collected from Nall Valley.

**FILED<sup>2</sup>**  
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Service Commission

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Date 3-08-06 Rptr XF

attributable to relocating the facilities underground. Consequently, KCPL agreed to refund \$13,467.94 (the cost of that switch gear) to Nall Valley.

18. Recognizing the inherent differences between underground and overhead facilities, the new relocated underground facilities replicate the pre-existing overhead facilities to the greatest extent possible. Based on the foregoing and the sworn affidavit of Mr. Dougan, KCPL respectfully requests that the Commission dismiss this portion of Nall Valley's complaint. If the Commission believes there is an unresolved factual matter concerning this issue and believes that a hearing is necessary, KCPL respectfully requests that the Commission limit the hearing to this issue, as the only factual dispute.

**C. The CIAC Issue Is Moot Because KCPL Agrees That It Should Not Collect CIAC Taxes From Nall Valley For the Projects.**

19. Nall Valley and AES argue that KCPL "should not collect CIAC tax for this relocation." KCPL agrees. KCPL initially treated Nall Valley's request to relocate the facilities underground simply as a developer-initiated request to relocate facilities. Under those circumstances, it would have been entirely appropriate for KCPL to collect a CIAC tax from Nall Valley. However, through subsequent conversations with AES and Nall Valley, KCPL concluded that the City of Leawood was ultimately responsible for requesting the relocation.<sup>4</sup> This being the case, it is no longer appropriate for KCPL to collect a CIAC tax from Nall Valley. Consequently, KCPL agreed to refund \$34,136.19 to Nall Valley—the full amount of the CIAC taxes collected from Nall Valley.

20. Because KCPL agrees that it is not appropriate under these facts to collect CIAC taxes from Nall Valley and because KCPL has agreed to issue a refund to Nall Valley, KCPL respectfully requests that the Commission dismiss this portion of the complaint as moot.