

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

In the Matter of the Application of The)
Cathedral Square Corporation, a Missouri)
Non-Profit Corporation, For a Variance from)
Kansas City Power & Light Company's)
General Rules and Regulations Requiring)
Individual Metering.

File No. EO-2012-0141

STAFF'S RECOMMENDATION TO GRANT RELIEF

COMES NOW Staff of the Missouri Public Service Commission and for its recommendation that the Commission grant the requested relief, states:

1. On November 4, 2011, The Cathedral Square Corporation, a Missouri Non-Profit Corporation, filed an application from this Commission seeking an order:

(a) Determining that separate metering for residential units at the Cathedral Square Towers building located at 444 W. 12th Street in Kansas City, Missouri is not required by 4 CSR 240-20.050; and

(b) Granting a variance from the applicable tariffs of KCPL on individual metering with respect to the Cathedral Square Towers building, including those tariffs set forth in Sections 5.01 and 5.03 of the General Rules and Regulations Applying to Electric Service, filed with the Commission by KCPL on January 19, 1981 as Kansas City Power & Light Company, P.S.C. MO No. 2, Second Sheet No. 1.19 and Second Sheet No. L20, so as to permit the installation of a master meter, and consolidating the existing individual meters, for the entire Cathedral Square Towers building located at 444 W. 12th Street in Kansas City, Missouri; and

(c) For such other and further relief as may be just and proper.

2. By order issued November 7, 2011, the Commission directed, "Kansas City Power & Light Company and the Staff of the Commission shall respond [to the application] no later than December 7, 2011."

3. In the attached memorandum, for the reasons stated therein, the Electric Meter Variance Committee recommends the Commission should take action so that

Kansas City Power & Light Company may master meter electric service to the Cathedral Square Towers building located at 444 W. 12th Street in Kansas City, Missouri, and bill The Cathedral Square Corporation, a Missouri Non-Profit Corporation, for electric service to that building at the appropriate general service rate. Although The Cathedral Square Corporation asserts Rule 4 CSR 240-20.050, Individual Electric Meters—When Required, does not apply here due to the age of the building, which no one disputes, because the nature of the request is similar to those made under Rule 4 CSR 240-20.050, the Electric Meter Variance Committee¹ met on December 6, 2011, to consider The Cathedral Square Corporation' request. The Electric Meter Variance Committee unanimously concurs in Staff's recommendation.

4. Although The Cathedral Square Corporation requests a variance from Kansas City Power & Light Company's tariff to permit master-metered electric service to the Cathedral Square Towers building, Kansas City Power & Light Company's tariff does not permit such a variance. The Commission does not have authority to ignore Kansas City Power & Light Company's filed-and-effective tariff. However, The Cathedral Square Corporation has broadly requested relief and the Commission does have authority to order a utility to change its tariff if the public interest so requires. *State ex rel. St. Louis Gas Co. v. Public Service Commission*, 315 Mo. 312, 286 S.W. 84 (1926) and *State ex rel. Kennedy v. Public Service Commission*, 42 S.W.2d 349 (Mo. 1931). Copies of both cited opinions are attached, with the most significant language in them highlighted.

¹ Director of Regulatory Review Cheryl Voss has appointed Michael Taylor, Utility Engineering Specialist III, Mike Scheperle, Manager Economic Analysis and Nathan Williams, Deputy Counsel, to the variance committee. Public Counsel is an *ex officio* member.

5. Staff, with the concurrence of the variance committee, recommends the Commission find, for the reasons stated in Staff's memorandum, it is in the public interest that Kansas City Power & Light Company provide master-metered electrical service to the Cathedral Square Towers building, 444 W. 12th Street, Kansas City, Missouri, at the appropriate general service rate. If the Commission so finds, then to implement its finding, the Commission should order Kansas City Power & Light Company to change its tariff to add the emphasized language, or similar language, to Rule 5.01 of Kansas City Power & Light Company Tariff Sheet No. 1.18 and grant the variance after Kansas City Power & Light Company's tariff is so changed:

5.01 INDIVIDUAL METERING FOR SEPARATE PREMISES: Except as otherwise provided in this Rule 5 **or if the Commission has granted a variance permitting otherwise**, the occupant of each separate premises in or on any multiple occupancy premises will be individually metered and supplied electric service as the Customer of the Company, which electric service shall be. utilized by the Customer only for operation of the Customer's installation located in or on the separate premises for which such electric service is supplied pursuant to the Customer's service agreement.

WHEREFORE, Staff recommends the Commission find, for the reasons stated in the Electric Meter Variance Committee's memorandum, that it is in the public interest that Kansas City Power & Light Company provide master-metered electrical service to the Cathedral Square Towers building, 444 W. 12th Street, Kansas City, Missouri, at the appropriate general service rate, and then implement its finding by ordering Kansas City Power & Light Company to change its tariff to amend Rule 5.01 of Kansas City Power & Light Company Tariff Sheet No. 1.18 and, after Kansas City Power & Light Company's tariff is so changed, grant a variance from the separate metering requirement of Kansas City Power & Light Company's tariff for electric service to the Cathedral Square Towers building, 444 W. 12th Street, Kansas City, Missouri, so long as it is being operated by an

IRC § 501(c)(3) qualified organization and used to provide subsidized housing to low-income elderly and/or disabled individuals who pay fixed rent inclusive of utilities:

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Respectfully submitted,

/s/ Kevin A. Thompson

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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 7th day of December, 2011.

/s/ Kevin A. Thompson