

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

The Office of the Public Counsel and The Midwest)	
Energy Consumers Group,)	
)	
Complainants,)	
)	Case No. EC-2019-0200
v.)	
)	
KCP&L Greater Missouri Operations Company,)	
)	
Respondent.)	

MOTION TO COMPEL

COMES NOW, the Office of the Public Counsel (OPC), by and through counsel, and states as follows:

1. On February 25, 2019, the OPC submitted data requests (DR) 8500 through 8520, attached herein, to KCP&L Greater Missouri Operations Company (GMO). According to the computation of time given by the Public Service Commission's (Commission) Order Adopting Procedural Schedule, those DRs were to be answered by March 18, 2019.

2. The OPC's data requests seek cost information pertaining to GMO's operation and retirement of the Sibley generation station, and the surrounding circumstances of GMO's decision to retire the Sibley units.

3. GMO objected to several of the OPC's data requests on March 7, 2019, in writing on the grounds that the questions are not relevant to whether GMO's retirement of the Sibley Station is unusual, abnormal, or otherwise justifies an accounting order (AO) or any values that would be included in an AO deferral. OPC attaches GMO's objections hereto.

4. Pursuant to Commission Rule 4 CSR 24-20.090(8), the OPC and GMO later conferred by telephone through counsel on March 11, 2019, and March 18, 2019. The OPC and

GMO were unable to resolve the dispute, and scheduled an appointment for a telephone conference with the presiding officer. OPC and GMO then held a conference with Hon. Woodruff Morris on March 19, 2019, in compliance with Commission Rules. The dispute remains unresolved.

5. Parties submit data requests in a Commission case as a means for discovery.¹ The same sanctions provided for failure to comply with discovery process provided in the rules of civil procedure apply before the Commission.² Such sanctions include entertaining a motion to compel, staying proceedings until a party follows a request for documents, or dismissing the proceeding.³

6. An objection to discovery based on relevance for grounds other than inadmissibility before the Commission is groundless “if the information sought *appears* reasonably calculated to lead to the discovery of admissible evidence.”⁴ The OPC’s DRs appear, and in fact are, reasonably calculated to lead to admissible evidence as the OPC is directly inquiring into values that an AO could track.

7. OPC DRs 8505 through 8507 seek information as to how GMO plans to meet its resource adequacy and capacity needs without the Sibley station as well as an overall explanation as to why GMO retired the Sibley Station so soon after rates for its operation were approved. GMO objects to the relevance of these and maintains that the information sought is beyond the scope of the OPC and MECG’s filing. These questions are relevant and may reasonably lead to the discovery of admissible evidence as to any exigencies indicating whether the Sibley Station’s retirement is unusual, abnormal, or extraordinary. Furthermore, any answers to OPC DR 8505 and 8507 may lead to the discovery of additional costs that an AO could encompass.

¹ 4 CSR 240-2.090(2).

² 4 CSR 240-2.090(1).

³ Mo. R. Civ. Pro. 61.01.

⁴ Mo. R. Civ. Pro. 56.01. (emphasis added).

8. OPC DRs 8508 through 8510 seek to isolate and determine fuel costs and revenues attributable to the Sibley Station. GMO objects as to the relevancy of these questions, and maintains that a fuel adjustment clause (FAC) prudency review is the better venue for these questions. These questions are relevant and may reasonably lead to the discovery of admissible evidence as they may point directly to the costs and revenues that an AO should track. Any fuel costs saved or revenues lost by retiring the Sibley units are a factor when determining whether the retirement was unusual, abnormal, or extraordinary. Determining the data as to fuel costs saved or revenues lost also does not predetermine a future Commission decision in a prudency review. Although parties can address these sums during an FAC prudency review, the OPC does not know why the FAC would forbid simultaneous tracking of fuel costs and revenues within both itself and an AO.

9. OPC DR 8514 requests GMO's understanding of how it treated Sibley unit 3's stranded costs in its 2017 resource plan. GMO objects to the relevance of this question and maintains that it is beyond the scope of the OPC and MECG's filing. This question is relevant and may reasonably lead to the discovery of admissible evidence because it could determine whether GMO has consistently planned to recover depreciation on the Sibley units despite plans to retire them by the end of 2018. GMO's Motion to Dismiss raised an affirmative defense that it had long planned to retire the Sibley Station, and thus the retirement is part of the ordinary and normal course of utility business, and therefore not unusual or extraordinary.⁵ The OPC then asks OPC DR 8514 to investigate GMO's planning as the Company itself has implicated that issue in this case. Any question relating directly to an opposing party's defense is of course relevant.

⁵ *Motion to Dismiss the Complaint of the Office of the Public Counsel and Midwest energy Consumers Group and Suggestions in Support*, EC-2019-0200 p. 11 (Feb. 5, 2019).

WHEREFORE, the OPC requests that the Commission compel GMO to provide the information the OPC is requesting in DRs 8505 through 8510 and 8514, or in the alternative consider such other relief as the Commission may deem appropriate.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

/s/ Caleb Hall
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**Attorney for the Office of the Public
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 20th Day of March, 2019, with notice of the same being sent to all counsel of record.

/s/ Caleb Hall

**BEFORE THE PUBLIC SERVICE COMMISSION
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Energy Consumers Group,)	
)	
Petitioners,)	
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KCP&L Greater Missouri Operations Company,)	
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Respondent.)	

PUBLIC COUNSEL DATA REQUESTS 8500-8520

The Office of Public Counsel (Public Counsel) hereby provides the following Data Requests to KCP&L Greater Missouri Operations (GMO) pursuant to the Commission’s Rule 4 CSR 240-2.090. Public Counsel is requesting KCPL and GMO to respond to these requests within twenty (20) days of receipt. Please provide electronic responses to the following:
opcservice@ded.mo.gov.

DATA REQUEST

- 8500. Confirm or deny whether KCP&L Greater Missouri Operations (“GMO”) has ceased electricity generation at the Sibley Station site. If electricity generation has ceased, upon what date did generation stop?
- 8501. Confirm or deny whether GMO, or any affiliate thereof, will resume coal-fire to steam electricity generation at the Sibley Station site in the foreseeable future.
- 8502. Confirm or deny whether GMO, or any affiliate thereof, will engage in any other variant of electricity generation at the Sibley Station site in the foreseeable future.
- 8503. Please provide the retirement journal entries for the Sibley units 1, 2, 3, and associated common plant.
- 8504. For the immediately preceding twenty years, please provide the plant additions and retirements by unit, by year, by FERC account and subaccount for every Sibley generation unit. Additionally, please indicate the first full year that general plant amortization was in effect.

8505. Please provide a narrative explanation for how GMO will meet its resource adequacy requirements from the Southwest Power Pool following the closure of the Sibley Station.
8506. Please provide a narrative explanation justifying GMO's decision to retire the Sibley Station.
8507. Identify the resources that make up for the capacity lost by the retirements of Sibley units 1, 2, and 3.
8508. Please provide the results of GMO's most recent GMO fuel run that includes Sibley units 2 and 3.
8509. Please provide the results of any fuel run of GMO without Sibley unit 2, but with all other inputs being the same as the model requested in DR 8508.
8510. Please provide the results of any fuel run of GMO without Sibley units 2 and 3, but with all other inputs being the same as the model requested in DR 8508.
8511. At page 3 of his rebuttal testimony in the ER-2018-0146 docket, Mr. Crawford discusses replacing coal units, including Sibley unit 3, with wind resources. Do the wind resources provide the same generation output profile as Sibley unit 3? Are the wind resources as reliable as Sibley unit 3? If the answer to either of these is "No," please explain Mr. Crawford's statement that wind resources replace coal plant retirements. Is wind resource electrical energy production as reliable as coal plant electrical energy production? (Crawford rebuttal page 3:5)
8512. At page 3 of his rebuttal testimony in the ER-2018-0146 docket, Mr. Crawford discusses replacing coal units, including Sibley unit 3, with wind resources. Assuming a coal generation unit is only available when it has fuel and wind units are only available when the blows, how does the availability of these resource types compare by calendar month?
8513. Please provide the annual O&M cost included in GMO's revenue requirement for each of the Sibley units without fuel costs.
8514. How were the stranded costs of Sibley 3 handled in GMO's 2017 resource plan?
8515. Please provide all board of director (KCPL, GMO, Great Plains, and Evergy) meeting minutes of discussions regarding the operations and maintenance savings for 2019 related to the retirement of generating units.
8516. Please provide all board of director (KCPL, GMO, Great Plains, and Evergy) meeting agendas that include a discussion of all operation and maintenance savings related to retirement of generating units.

8517. Please provide all board of director (KCPL, GMO, Great Plains, and Evergy) meeting minutes of discussions regarding not retiring the Sibley generating units that GMO and KCPL had previously announced would be retired.
8518. Please provide all board of director (KCPL, GMO, Great Plains, and Evergy) meeting agendas that include discussions regarding retiring the generating Sibley units 1, 2, 3, and common plant.
8519. Please provide all board of director (KCPL, GMO, Great Plains, and Evergy) presentations that include discussions regarding retiring the generating Sibley units 1, 2, 3, and common plant.
8520. Please provide the retirement plans for the GMO Sibley facilities and any RFPs that have been issued for any portion of dismantlement or abatement.

*Issued 2/25/18
Submitted on behalf of John Robinett*



Legal Department

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March 7, 2019

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Re: File No. EC-2019-0200; Data Requests OPC 8505-8512; and 8514

Dear Mr. Robinett:

This letter is in response to the above data requests which KCP&L Greater Missouri Operations Company ("GMO" or the "Company") received on February 25, 2019 in the above-captioned matter from the Office of the Public Counsel ("OPC"). This letter should be considered an objection on behalf of the Company to OPC Data Requests 8505, 8506, 8507, 8508, 8509, 8510, 8511, 8512, and 8514 ("Data Requests"), in accordance with Commission Rule 4 CSR 240-2.090(2), for the reasons described below.

GMO objects to these Data Requests as they seek information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence regarding whether the retirement of Sibley Station and its units is unusual, abnormal, and significantly different from the ordinary and typical operations of the Company where it would be appropriate for the Commission to impose deferral accounting, and the quantification of any such deferral if ordered by the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Hack". The signature is fluid and cursive, with the first name "Robert" and last name "Hack" clearly distinguishable.

Robert J. Hack

RJH/arw