

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

Staff of the Missouri Public Service Commission,
Complainant
vs.
KCP&L Greater Missouri Operations Company,
Respondent

Case No. EC-2016-0012

**STAFF RESPONSE TO COMMISSION ORDER DIRECTING RESPONSE AND
NOTICE OF WITHDRAWAL OF COMPLAINT**

COMES NOW the Staff of the Missouri Public Service Commission, by and through undersigned counsel, respectfully states:

1. On August 27, 2018, the Commission in its Order Directing Response (“Order”) directed the parties to file a pleading, either collectively or individually, explaining what steps the Commission should take to resolve this complaint.

2. As stated in its Order, the Commission held this complaint in abeyance until a similar Staff complaint against Ameren Missouri was resolved on appeal. At issue in the complaint, the Staff alleged that GMO failed to provide the appropriate avoided cost information to its independent evaluation, measurement and verification contractors for calculation of GMO’s Program Year 2014 annual net shared benefits for use in determining the company’s performance incentive award for Program Year 2013 through Program Year 2015

3. Accordingly, the Commission had ordered KCP&L Greater Missouri Operations Company (“GMO”) to hold any amounts collected as a performance

incentive while the appeal was pending as interim, subject to refund, including interest until the Commission reached a decision in this case. The Commission would reach its ultimate decision in the GMO complaint based on how the Missouri Supreme Court ruled in the Ameren Missouri complaint case.

4. On July 3, 2018, the Missouri Supreme Court issued an opinion vacating the Commission's decision that favored Staff on Ameren Missouri's complaint. As a result of the Court's opinion, there are no changes for GMO to make regarding amounts that it had collected for its performance incentive award for Program Year 2013 through Program Year 2015. Therefore, no further action need be taken by the Commission regarding resolution of the above-captioned complaint.

5. Because there are no issues to resolve in this matter and because no testimony has been filed, the Staff dismisses its complaint against GMO in accordance with Commission rule 4 CSR 240-2.116(1).¹

WHEREFORE, the Staff prays the Commission accept its response to its Order and Staff's notice of withdrawal of complaint.

¹ 4 CSR 240-2.116(1) states in pertinent part "An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice of dismissal with the commission."

Respectfully submitted,

/s/ Robert S. Berlin

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 6th day of September, 2018

/s/ Robert S. Berlin