

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

In the Matter of An Application for a	)	
Variance from CSR 240-20.065 Regarding	)	<b><u>File No. EE-2013-0125</u></b>
Net Metering Tariffs	)	

**STAFF'S RECOMMENDATION TO DENY APPLICATION FOR A VARIANCE FROM  
CSR 240-20.065 REGARDING NET METERING TARIFFS**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for its *Recommendation to Deny the Application of Kansas City Power & Light Company and KCP&L Greater Missouri Operations for a Variance from 4 CSR 240-20.065 Regarding Net Metering Tariffs* hereby respectfully states:

1) On October 2, 2012, Staff filed a notice before the Missouri Public Service Commission (Commission) informing the Commission that, as of October 1, 2012, Kansas City Power & Light Company (KCPL) and KCP&L Greater Missouri Operations Company (GMO) had not filed compliance tariffs reflecting requirements of the newly revised net metering rules, 4 CSR 240-20.065, which became effective August 30, 2012.

2) On October 3, 2012, KCPL and GMO filed an application for a variance from the tariff filing requirement of 4 CSR 240-20.065(3)(B) until December 1, 2012. The application states that KCPL and GMO currently credit their customer-generators in accordance with the amended rule and states that no customer-generators will be harmed by the variance. In their application, KCPL and GMO also state that good cause exists for the variance because, due to the press of other business, KCPL and GMO have not completed their review of the amendments in order to incorporate them in the tariff and file the revised tariff for Commission approval.

3) Both KCPL and GMO are in violation of 4 CSR 240-20.064(3)(B) because neither has a tariff on file that reflects the latest amendments to the net metering rule. KCPL and GMO had ample time to file a revised tariff. Therefore, Staff does not recommend that the Commission grant the variance as requested by KCPL and GMO, because Staff does not agree that good cause exists in this case. However, unless the Commission directs otherwise, Staff does not plan to take any action regarding KCPL's and GMO's violations so long as they file new net metering tariff provisions by December 1, 2012.

**WHEREFORE** the Staff of the Missouri Public Service Commission recommends the Commission issue an order denying the application of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company for a variance from 4 CSR 240-20.065.

Respectfully submitted,

**/s/ John D. Borgmeyer**

John D. Borgmeyer  
Legal Counsel  
Missouri Bar No. 61992

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-5472 (Telephone)  
(573) 751-9285 (Fax)  
[john.borgmeyer@psc.mo.gov](mailto:john.borgmeyer@psc.mo.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 24<sup>th</sup> day of October, 2012.

**/s/ John D. Borgmeyer**