

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 10th day
of August, 2011.

In the Matter of the 2009 Resource Plan of KCP&L)
Greater Missouri Operations Company Pursuant)
to 4 CSR 240-22)

File No. EE-2009-0237

The Staff of the Missouri Public Service)
Commission,)

Complainant,)

v.)

File No. EC-2011-0250

KCP&L Greater Missouri Operations)
Company,)

Respondent.)

**ORDER GRANTING LEAVE TO STAFF TO VOLUNTARILY
DISMISS ITS COMPLAINT**

Issue Date: August 10, 2011

Effective Date: August 10, 2011

On January 18, 2011, KCP&L Greater Missouri Operations Company ("GMO") filed a revised Integrated Resource Plan ("IRP") in File No. EE-2009-0237. With that filing, GMO stated:

As a result of this additional analysis completed per the Stipulation and Agreement in Case No. EE-2009-0237, GMO has determined that the preferred resource plan filed in August, 2009 is no longer appropriate. Significant changes have occurred in projections of both natural gas costs and CO2 emission costs along with recently proposed U.S. Environmental Protection Agency regulations, (Transport Rule) that dictates [sic] the need to fully evaluate additional alternative resource plans prior to determining a revised preferred plan. GMO will be conducting this additional analysis and expects to have results available in the summer of 2011.

On February 8, 2011, the Commission's Staff filed a complaint against GMO in File No. EC-2011-0250. Staff alleged that, based upon GMO's statement that its preferred resource plan was no longer appropriate and that it needed to conduct additional analysis, GMO had violated the Nonunanimous Stipulation and Agreement ("Agreement") approved by the Commission in File No. EE-2009-0237. On March 11, 2011, GMO filed its answer. As part of its answer, GMO, citing multiple grounds, requested the complaint be dismissed.

On April 27, 2011, the Commission directed GMO to file its preferred resource plan no later than July 1, 2011. Additionally, the Commission convened an evidentiary hearing on August 1, 2011, in File No. EE-2009-0237, to determine if GMO violated the terms and conditions of the Agreement. Subsequent to the hearing, Staff sought voluntary dismissal of its complaint in File No. EC-2011-0250, stating that GMO's July 1, 2011 revised IRP filing is a complete filing meeting the obligations under the Agreement. Staff also seeks guidance from the Commission as to whether it should pursue a complaint regarding GMO's tardy compliance with the Commission's rules and order in relation to the Agreement.

At the evidentiary hearing on August 1, 2011, the Missouri Department of Natural Resources ("MDNR"), who had intervened in Staff's complaint, indicated that it still wished to pursue a complaint against GMO. Based upon the testimony of MDNR's witness and the arguments made by MDNR's counsel at the hearing, MDNR's basis for a complaint does not appear identical to Staff's complaint in EC-2011-0250. Indeed, on August 9, 2011, MDNR filed a response to Staff's voluntary dismissal acknowledging that it had not stated a position when it intervened. MDNR states it does not oppose Staff's voluntary dismissal and the remedy it seeks is not punitive in nature. MDNR states it wishes to hold GMO

accountable for commitments it made to the Commission and the stakeholders in the Agreement and the remedy it seeks is requiring GMO to complete a credible IRP. MDNR believes the issue of proper compliance with the Agreement may be properly resolved in the EE-2009-0237 file, which has an established post-hearing briefing schedule.

Based upon the representations in the parties' pleadings, the Commission will grant Staff leave to dismiss its complaint. Additionally, because Staff has indicated that it believes GMO's IRP filing is complete and meets the obligations under the Agreement, the Commission will direct its Staff not to file additional complaints with regard to GMO's IRP.

THE COMMISSION ORDERS THAT:

1. The Staff of the Missouri Public Service Commission is granted leave to voluntarily dismiss its complaint in File No. EC-2011-0250.
2. File No. EC-2011-0250 shall be closed.
3. The Commission's Staff shall not file an additional complaint in relation to KCP&L Greater Missouri Operations Company's Integrated Resource Plan filed in File Number EE-2007-0237.
4. This order shall become effective immediately upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Gunn, Chm., Davis, Jarrett, and
Kenney, CC., concur.

Stearley, Senior Regulatory Law Judge