

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 30th day of
November, 2011.

Joint Application of Kansas City Power & Light)	
Company and KCP&L Greater Missouri)	
Operations Company for a Variance from the)	<u>File No. EE-2012-0132</u>
Provisions of 4 CSR 240-20.100(4)(H)(2))	
Related to Tariff Submission Date)	

ORDER GRANTING VARIANCE

Issue Date: November 30, 2011

Effective Date: December 5, 2011

On October 31, 2011, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (jointly “Applicants”) filed a joint application seeking a variance from one provision of the Commission’s renewable energy standards rule. Applicants specifically wish to delay filing a standard offer contract for the purchase of solar renewable energy credits beyond the November 1, 2011 submission date for the following compliance year. The specific rule provision is 4 CSR 20.100(4)(H)(2), and by its terms an electric utility’s decision to offer a standard offer contract is optional.

The Applicants state they are not prepared at this time to offer a standard offer contract until the accounting treatment of costs associated with the standard offer is addressed. The Applicants anticipate filing an Accounting Authority Order (“AAO”) application in the near future regarding accounting treatment of these costs, and it is possible that Applicants will be filing tariff sheets detailing the provisions of a standard offer contract before November 1, 2012. However, out of an abundance of caution, to ensure

that the Applicants are not in violation of the rule, Applicants request a variance of the standard offer contract tariff filing requirement until November 1, 2012.

The Commission established November 21, 2011 as the deadline for interested entities to intervene and for parties to respond to the application. No requests for intervention were received. No party or interested entity responded or objected to the application. No party or entity requested a hearing.

The application is within the Commission's jurisdiction to decide.¹ Because no law requires a hearing this is a non-contested case.² Non-contested cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.³ Consequently, the Commission bases its decision on the verified filings.

The filing of a standard offer contract for the purchase of solar renewable energy credits is optional. And because the Applicants explain why they are not prepared to offer a standard offer contract at this time the Commission finds the Applicants have shown good cause for the requested variance.

¹ Sections 386.250 and 393.140, RSMo 2000. Additionally, Commission Rule 4 CSR 240-20.100(10) provides: "Upon written application, and after notice and opportunity for a hearing, the Commission may waive or grant a variance from a provision of this rule for good cause shown."

² Section 536.010(4) defines a "contested case" as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing."

³ *Sapp v. City of St. Louis*, 320 S.W.3d 159, 163 (Mo. App. 2010). "The key to the classification of a case as contested or noncontested is the requirement of a hearing. The term "hearing," as used in section 536.010(4) means a proceeding at which a 'measure of procedural formality' is followed. Procedural formalities in contested cases generally include: notice of the issues (section 536.067); oral evidence taken upon oath or affirmation and the cross-examination of witnesses (section 536.070); the making of a record (section 536.070); adherence to evidentiary rules (section 536.070); and written decisions including findings of fact

THE COMMISSION ORDERS THAT:

1. Kansas City Power & Light Company and Kansas City Power & Light - Greater Missouri Operations Company are granted a variance from the requirements of 4 CSR 240-20.100(4)(H)(2) to permit them to delay the filing of tariff sheets detailing the provisions of a standard offer contract for the purchase of solar renewable energy credits (S-RECs) for 2011 compliance until November 1, 2012.
2. This order shall become effective on December 5, 2011.
3. This file shall be closed on December 6, 2011.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, and Kenney, CC., concur;
Davis, C., absent.

Stearley, Deputy Chief Regulatory Law Judge