

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

In the Matter of a Repository File Concerning)
The Kansas City Power & Light Company's)
2011 RES Compliance Plan) **File No. EO-2011-0277**

**MISSOURI DEPARTMENT OF NATURAL RESOURCES (MDNR)
RESPONSE TO KANSAS CITY POWER & LIGHT COMPANY'S
RESPONSE TO RENEW MISSOURI'S COMMENTS**

COMES NOW Missouri Department of Natural Resources ("MDNR") and respectfully submits these comments on Kansas City Power & Light Company's ("KCP&L") Response to Renew Missouri's Comments on its Renewable Energy Standard ("RES") Compliance Plan for 2011-2013 ("RES Plan".)

1. On April 15, 2011 KCP&L submitted its RES Plan for calendar years 2011 through 2013.
2. On May 30, 2011, the Staff of the Missouri Public Service Commission filed comments on KCP&L's RES Plan. Staff concluded that there were no significant deficiencies in the plan.
3. On May 30, 2011, Renew Missouri also filed comments on KCP&L's RES Plan. One of the comments included a recommendation that the Commission require KCP&L to commence MDNR certification of its renewable energy resources.
4. On June 10, KCP&L filed a response to the comments of Renew Missouri stating that KCP&L should not be ordered to "commence the MDNR certification process for its renewable energy resources." KCP&L stated it has already begun the certification process with MDNR, "submitting certification applications for all *Company-owned facilities*." (page 2, emphasis added) KCP&L also stated that the "Companies

intend to complete this process to the satisfaction of the Department of Natural Resources in advance of the annual compliance report filing.”

5. MDNR would like to clarify that its certification of renewable energy generation facilities is not limited to Company-owned facilities. The certification requirement in Section 393.1030.4 RSMo. provides for MDNR to “establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements” of the renewable portfolio requirements in Section 393.1030.1 RSMO. Thus, certification applies to both *utility-owned facilities* and *facilities for which the utility has a contract* for the acquisition of renewable energy resources. See also MDNR’s rule at 10 CSR 140-8.010(4)(C)D.(V) which requires that contracts for the acquisition of renewable energy resources shall provide for release of information to the MDNR with appropriate provision for confidential treatment.

6. MDNR confirms it has received an application for certification from KCP&L for one or more renewable energy generation facilities. MDNR is reviewing KCP&L’s application at this time.

7. MDNR is not aware of any renewable energy generation facilities for which KCP&L holds a contract for the acquisition of renewable energy resources, but is providing this clarification for informational purposes to avoid any potential misunderstanding.

8. The Commission may wish to clarify the timing of MDNR certification vis a vis the utility compliance filings process. KCP&L states its intention to complete the process prior to the annual compliance *report* filing while the Commission’s rule states that the “RES compliance *plan* shall include, at a minimum ---- ... G. Verification

that the utility has met the requirements for not causing undue adverse air, water or land use impacts pursuant to subsection 393.1030.4, RSMo and the regulations of the Department of Natural Resources.” ((4 CSR 240-20(7)(B)1. and 1.(G), emphasis added).

WHEREFORE, MDNR submits these comments on KCP&L’s Response to Renew Missouri’s Comments on its RES Compliance Plan.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, electronically, this 20th day of June, 2011, to counsel for the parties to this case.

/s/ Sarah Mangelsdorf
Assistant Attorney General