

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Resource Plan of
Kansas City Power & Light Company
Pursuant to 4 CSR 240-22

)
)
)

Case No. EO-2007-0008

ORDER REGARDING FURTHER PROCEEDINGS

Issue Date: November 17, 2006

Effective Date: November 17, 2006

On July 5, 2006, Kansas City Power & Light Company filed its Integrated Resource Plan (IRP) pursuant to Chapter 22 of the Commission's rules. Sections (5) and (6) of 4 CSR 240-22.080 provide that the Commission's Staff and the other parties have 120 days to file a report or comments regarding the IRP. On November 1, acting at the request of the Missouri Department of Natural Resources and the Office of the Public Counsel, the Commission extended that deadline until November 15.

On November 15, DNR and Public Counsel filed a notice indicating that they have reached an agreement in principle with KCPL that they believe will resolve their concerns about the IRP. They indicate that they anticipate filing a stipulation and agreement formalizing their agreement by December 19. In light of their agreement with KCPL, DNR and Public Counsel ask that the deadline for filing reports or comments regarding the IRP be suspended. Also on November 15, the Commission's Staff filed a report detailing the deficiencies that it has found in KCPL's IRP. No other party has filed a report or comments.

Commission Rule 4 CSR 240-22.080(8) provides that the parties are to be allowed 45 days to work with the utility, and each other, to prepare and submit a joint agreement on

a plan to remedy the deficiencies identified in the IRP. If an agreement cannot be reached, 4 CSR 240-22.080(9) provides that the utility and the other parties are allowed until the sixtieth day after the filing of comments to file a response to the alleged deficiencies. Staff has identified deficiencies in the IRP that may, or may not, be addressed in the stipulation and agreement that is contemplated by DNR, Public Counsel, and KCPL. Therefore, it would not be appropriate to delay consideration of the deficiencies identified by Staff while waiting for the other parties to file an agreement. As a result, the Commission will not suspend the regulation's deadline for the filing of reports or comments regarding the IRP.

Fortunately, the suspension of the deadline is not really necessary. The rule allows all parties 45 days to work on a plan to remedy any deficiencies in the IRP.¹ The comments were filed on November 15, so 45 days thereafter is December 30. During that time DNR, Public Counsel, and KCPL can finalize the terms of their stipulation and agreement, and perhaps that agreement can be broadened to include the deficiencies noted by Staff. If not, the nonunanimous stipulation and agreement can be filed for the Commission's consideration and KCPL can separately respond to the deficiencies identified by Staff within the 60 days allowed by the regulation.²

The Commission assumes that the parties will be able to cooperate with each other to discuss the identified deficiencies, and will not schedule a formal conference for that purpose. However, if the parties believe that a formal conference would be helpful, the Commission is willing to schedule such a conference, or to take any other appropriate steps to facilitate those discussions. The Commission notes that 4 CSR 240-22.080(12) gives the Commission authority to extend or reduce any of the time periods specified in the

¹ The comments were filed on November 15, so the 45th day thereafter is December 30, 2006.

² Sixty days after the comments were filed is January 14, 2007.

rule for good cause shown. If anything happens that would prevent this case from proceeding on schedule, the parties are invited to file an appropriate motion seeking modification of the schedule.

IT IS ORDERED THAT:

1. The Missouri Department of Natural Resources' and the Office of the Public Counsel's request that the deadline for filing reports or comments pursuant to 4 CSR 240-22.080(6) be suspended is denied.
2. This order shall become effective on November 17, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of November, 2006.