

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

In the Matter of Kansas City Power & Light)
Company’s Request for Authority to Implement) Case No. ER-2012-0174
a General Rate Increase for Electric Service)

and

In the Matter of KCP&L Greater Missouri)
Operations Company’s Request for Authority to) Case No. ER-2012-0175
Implement General Rate Increase for Electric)
Service.)

**MOTION FOR CLARIFICATION AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW, the Midwest Energy Consumers’ Group (“MECG”) and, for its Motion For Clarification and Motion for Expedited Treatment, respectfully states as follows:

1. On October 29, 2012, MECG, MIEC, Staff, and KCPL filed a Non-Unanimous Stipulation regarding class cost of service and rate design. As that pleading indicates, the Non-Unanimous Stipulation proposes to settle the following three issues (1) class cost of service / revenue shift; (2) Large Power rate design; and (3) Large General Service rate design. As such, the Stipulation addresses Issues I.6(a); I.6(b); I.6(c) and I.6(e).

2. On November 2, 2012, Public Counsel filed its objection to the Non-Unanimous Stipulation. As reflected in the Opposition, Public Counsel objects to the proposed settlement of Issues I.6(a), I.6(b) and I.6(c), **but not Issue I.6(e)**.

Specifically, Public Counsel objects to the Signatories’ agreement “that the Commission should increase residential true-up revenues by 1.00% in addition to any other increase implemented by the Commission with a corresponding equal-percentage revenue neutral decrease in the true-up revenues for all other non-lighting rate classes.” That agreement purports to resolve Issues 6.a, 6.b, and 6.c as listed in the List of Issues filed on October 12, 2012. Public Counsel also

objects to any agreement, express or implied, that would have the Commission increase customer charges for residential or small general service classes.¹

3. Commission Rule 4 CSR 240-2.115(2)(E) provides that an objection may address either all or part of a non-unanimous stipulation. “A party may indicate that it does not oppose all or part of a nonunanimous stipulation and agreement.” Therefore, while objecting to the proposed settlement of issues I.6(a), I.6(b) and I.6(c), Public Counsel did not object to the proposed settlement of issue I.6(e). As such, pursuant to 4 CSR 240-2.115(2)(C), the Commission may treat the resolution of issue I.6(e) as a unanimous stipulation.

4. Issue I.6(e) was denominated as follows: “Should the Commission adopt Mr. Brubaker’s LGS / LP rate design methodology?”² In its Report and Order, the Commission never addressed this issue or its resolution of this issue. Rather, while the Commission addresses contested issues Issues I.6(a), I.6(b) and I.6(c),³ the Commission simply ignored any resolution of Issue I.6(e). As such, MECG is left to wonder whether the Commission intended to accept this resolution as a unanimous stipulation, whether the resolution was rejected with the remainder of the non-unanimous stipulation, or whether the Commission simply forgot to address this issue?⁴

5. As indicated, given that no party objected to the resolution of I.6(e) as contained in the Non-Unanimous Stipulation, MECG urges the Commission to clarify its Report and Order

¹ *Objection to Non-Unanimous Stipulation and Agreement Regarding Class Cost of Service / Rate Design*, filed November 2, 2012, at page 1.

² *List of Issues, Order of Witnesses, Order of Cross-Examination*, filed October 11, 2012, at page 5.

³ *Report and Order*, at page 33, 38-40.

⁴ MECG notes that the Commission did make the following statement: “This report and order also addresses the settlement provisions incorporated into the Commission’s orders. As to those matters as to which some parties agree and no parties oppose, but that are outside the Commission’s subject matter jurisdiction to order, this report and order constitutes a consent order.” (Report and Order at page 2). Given that the resolution of the LGS / LP rate design issue falls within the Commission’s subject matter jurisdiction, MECG did not believe that this statement constituted an adoption of the resolution of Issue I.6(e) as contained in the non-unanimous stipulation.

to adopt the resolution of Issue I.6(e). In the alternative, MECG asks that the Commission modify its Report and Order to provide for some resolution of that Issue.

MOTION FOR EXPEDITED TREATMENT

6. Pursuant to 4 CSR 240-2.080(14), MECG requests that the Commission act on this request in an expedited manner. In support of this request, MECG points out that a resolution of Issue I.6(e) is necessary in that it will impact the preparation of compliance tariffs by KCPL which have been ordered to be completed by January 16, 2012. By acting in an expeditious fashion, the Commission will provide the guidance necessary so that KCPL can accurately prepare both the LP and LGS rate schedules. With this in mind, MECG asks that the Commission order any responses to this Motion by noon on January 11 with the goal of the Commission granting this motion by the end of the day on January 11.

7. MECG is filing this pleading as soon as is reasonably practicable. The Commission's 80 page Report and Order was electronically issued approximately noon on January 10. As such, counsel has reviewed that document and prepared this pleading in only 24 hours. As such, this pleading has been filed as soon as reasonably practicable.

WHEREFORE, MECG respectfully requests that the Commission grant expedited treatment of this Motion and issue its Order clarifying the Report and Order and adopting the unanimous resolution of Issue I.6(3) as contained in the October 29, 2012 Non-Unanimous Stipulation.

Respectfully submitted,



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ATTORNEY FOR THE MIDWEST ENERGY
CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



David L. Woodsmall

Dated: January 10, 2012