

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

In the Matter of a Proposed Experimental Regulatory)
Plan of Kansas City Power & Light Company) Case No. EO-2005-0329

**STAFF’S AND PUBLIC COUNSEL’S
ADDITIONAL RESPONSE TO ORDER DIRECTING FILING**

Comes now the Staff of the Missouri Public Service Commission (Staff) and the Office of the Public Counsel (Public Counsel) and file Staff’s and Public Counsel’s Additional Response To Order Directing Filing. On July 25, 2005, the Commission issued an Order Directing Filing regarding off-system sales. On July 26, 2005, the Staff joined in a filing of certain Signatory Parties to the Stipulation And Agreement in Case No. EO-2005-0329 entitled “Signatory Parties’ Response To Order Directing Filing.” Said pleading indicated that the Staff would make an additional filing this date. Public Counsel is joining in this filing. This additional filing is being made for informational purposes, so that there might be as little confusion as possible regarding the amended language to Section III.B.1.j “Off-System Sales” filed on July 26, 2005.

KCPL, pursuant to its commitment to explicitly address the term of the understanding among the Staff, Public Counsel and KCPL concerning the treatment above-the-line of off-system energy and capacity sales revenues and related costs, has added the following sentence to the paragraph on off-system sales in the Stipulation And Agreement filed March 28, 2005: “KCPL agrees that all of its off-system energy and capacity sales revenue will continue to be used to establish Missouri jurisdictional rates as long as the related investments and expenses are considered in the determination of Missouri jurisdictional rates.”

At the evidentiary hearing on July 12, 2005, Commissioner Gaw stated that from the off-system sales language in the Stipulation And Agreement filed on March 28, 2005, it is not clear to him what would be the effect of future legislation addressing off-system sales. He noted the language in the Stipulation And Agreement, respecting Senate Bill 179 (S.B. 179), fuel adjustment clauses and riders/surcharges, that KCPL, prior to June 1, 2015, will not seek to utilize any mechanism authorized in S.B. 179 or other change in state law that would allow riders or surcharges or changes in rates outside of a general rate case based upon a consideration of less than all relevant factors. The Staff and Public Counsel took the import of Commissioner Gaw's question/statement as being that he believed that it would be appropriate to have similar language in the Stipulation And Agreement for off-system sales.

Subsequent to July 12, 2005, The Empire District Electric Company agreed to the following language that appears at pages 18-19 of its Experimental Regulatory Plan Stipulation And Agreement: "Empire agrees that it will not seek to avail itself of any legislation that may be enacted in the future that would be inconsistent with the ratemaking treatment for off-system sales revenues and associated expenses set forth in this paragraph." KCPL has declined to add similarly explicit language to the agreed to amendment of the off-system sales language in its Experimental Regulatory Plan Stipulation And Agreement. The Staff and Public Counsel note that it can be interpreted that this particular sentence in the Empire Stipulation And Agreement addresses the same concern as the sentence that KCPL has agreed to add as an amendment of Section III.B.1.j. "Off-System Sales." However, that is not how KCPL views the effect of the sentence that it has agreed to have included in Section III.B.1.j. "Off-System Sales" of the Stipulation And Agreement filed on March 28, 2005.

Again, the Staff and Public Counsel are filing this pleading for informational purposes.

Respectfully submitted,

DANA K. JOYCE
General Counsel

OFFICE OF THE PUBLIC COUNSEL

/s/Steven Dottheim

Steven Dottheim
Chief Deputy General Counsel
Missouri Bar No. 29149

/s/ Douglas E. Micheel by SD

Douglas E. Micheel
Deputy Public Counsel
Missouri Bar No. 38371

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7489 (Telephone)
(573) 751-9285 (Fax)
e-mail: steve.dottheim@psc.mo.gov

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
(573) 751-5560 (Telephone)
(573) 751-5562 (Fax)
e-mail: doug.micheel@ded.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 27th day of July 2005.

/s/ Steven Dottheim