

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
October, 2011.

In the Matter of a Repository File)
Concerning Kansas City Power & Light)
Company's Submission of its)
2011 RES Compliance Plan)

File No. EO-2011-0277

**NOTICE REGARDING KCP&L'S 2011
RES COMPLIANCE PLAN**

Issue Date: October 5, 2011

On April 15, 2011, Kansas City Power & Light Company filed its Renewable Energy Standard Compliance Plan for 2011-2013, as it was required to do by Commission Rule 4 CSR 240-20.100(7). The Commission's rule requires the Staff of the Commission to review the utility's compliance plan and to file a report about its review within 45 days.¹ Staff complied with that requirement by filing a report on May 31, in which it reported that it found no deficiencies in KCP&L's plan.

The Commission's rule also allows Public Counsel and other interested persons or entities to file comments regarding KCP&L's plan.² The Missouri Coalition for the Environment, d/b/a Renew Missouri filed such comments on May 31.

Renew Missouri described what it believes to be a deficiency in KCP&L's compliance plan. It argues that KCP&L may not rely on renewable energy credits (RECs) collected before January 1, 2011, to meet its renewable energy requirements for 2011.

¹ 4 CSR 240-20.100(7)(D).

² 4 CSR 240-20.100(7)(E).

The Commission's regulation does not specify what, if any, action the Commission is to take regarding KCP&L's RES Compliance Plan and any alleged deficiencies in that plan, except to allow the Commission to "establish a procedural schedule if necessary".³ Staff, Public Counsel, the Missouri Department of Natural Resources, the Missouri Industrial Energy Consumers (MIEC), and KCP&L filed written responses to Renew Missouri's comments and the Commission held a hearing regarding those comments on August 30.

After considering the comments of all the parties, the Commission concludes that no further order from the Commission is appropriate at this time. On April 15, 2012, KCP&L must file its annual RES Compliance Report to explain how it has complied with the renewable energy mandates of the Renewable Energy Standard Law,⁴ also known as Proposition C. The plan that is currently before the Commission is only KCP&L's suggestion of how it intends to meet those requirements. The Commission's actual determination of whether KCP&L has met the renewable energy mandates will not be made until after the company files its 2012 report.

For that reason, any decision the Commission could make in this case, would have no binding effect on its determination regarding the 2012 report and could only prejudice or confuse the decisions the Commission will need to make next year. Therefore, the Commission will decline to issue any further orders in this case.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

Gunn, Chm., Jarrett, and Kenney, CC., concur;
Davis, C., concurs with concurring opinion to follow.

Woodruff, Chief Regulatory Law Judge

³ 4 CSR 240-20.100(7)(F).

⁴ Sections 393.1020, et seq., RSMo (Supp. 2010).