

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 27th day of August, 2014.

In the Matter of KCP&L Great Missouri Operations)
Company's Submission of its 2013 Renewable)
Energy Standard Compliance Report) **File No. EO-2014-0290**

ORDER DENYING MOTION TO COMPEL

Issue Date: August 27, 2014

Effective Date: August 27, 2014

On April 15, 2013, KCP&L Greater Missouri Operations Company ("GMO") filed with the Missouri Public Service Commission ("Commission") its 2013 Annual Renewable Energy Standard Compliance Report ("Report") pursuant to Commission Rule 4 CSR 240-20.100. The Commission granted limited intervention to Ag Processing, Inc., a cooperative ("Ag Processing"), and the Missouri Solar Energy Industries Association ("MOSEIA"). On June 27, 2014, Ag Processing filed motions to compel responses to data requests that it had issued to GMO and MOSEIA.¹ Ag Processing alleges in its motions that GMO and MOSEIA failed to timely respond to the data requests by providing either an answer or an objection.

In its order granting intervention, the Commission limited that intervention to accessing the highly confidential versions of the renewable energy standard Report. Commission Rule 4 CSR 240-20.100(7)(E) permits "any interested persons or entities" to file comments, which does not require intervention. The Commission noted, however, that access to the highly confidential version of the Report would be likely to improve the quality

¹ The Commission was delayed in ruling on the motion to compel because of a Preliminary Order in Prohibition issued by the Circuit Court of Cole County, Missouri on June 23, 2014 in *Save our Lawfully Authorized Rebates, LLC, Missouri Coalition for the Environment v. Mo. Public Service Commission*, Case No. 14AC-CC00316. That order was recently vacated.

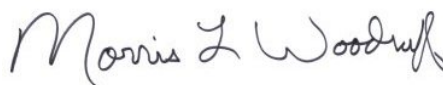
of those comments and would serve the public interest, so limited intervention was granted in order to access that version.

Resolving the matter of Ag Processing's motions to compel involves a determination of Ag Processing's authority to act under its limited intervention status, including the authority to issue discovery. The use of data requests is governed by Commission Rule 4 CSR 240-2.090(2), which provides that "[p]arties may use data requests as a means for discovery". In most Commission cases, all parties would be able to use data requests as a method of discovery to obtain information from another party. However, in this case, the Commission allowed both Ag Processing and MOSEIA into the case as intervenors only to access highly confidential information to assist them in filing comments. The Commission concludes that when Ag Processing issued the data requests it exceeded its authority under the Commission's order of limited intervention, so the Commission will deny Ag Processing's motions to compel GMO and MOSEIA to provide answers to those data requests.

THE COMMISSION ORDERS THAT:

1. Ag Processing's Motions to Compel Responses to Data Requests are denied.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Morris L. Woodruff
Secretary



R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Bushmann, Senior Regulatory Law Judge