

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

In the Matter of the Resource Plan of) **File No. EO-2012-0323**
Kansas City Power & Light Company)

MOTION FOR CLARIFICATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel Office, and files this Motion For Clarification of the Commission’s December 19, 2012 *Order Regarding 2012 Integrated Resource Plan* (“Order”). In support thereof, the Staff states as follows:

1. The last sentence of page 2 through the next sentence on page 3 of the Commission's December 19, 2012 *Order* states:

. . . Since KCP&L will be revising a substantial portion of the IRP in its 2013 annual update report as part of the proposed remedies, the Commission concludes it would be premature to make a determination now on whether the IRP complies with Chapter 22 of the Commission rules or to schedule a hearing at this time on the unresolved deficiencies and concerns alleged by the parties. Rather given the continuous nature of the IRP filings, the Commission will require KCP&L to address these unresolved deficiencies and concerns in the 2013 annual update report.

In “The Commission Orders That” section, item “2” states:

Kansas City Power & Light Company shall address the twenty-five (25) alleged deficiencies and concerns identified as unresolved in the *Joint Filing* in its 2013 annual update report.

2. Rule 4 CSR 240-22.080(3)(B) provides that the electric utility shall prepare and file with the Commission an annual update report no less than 20 days prior to the annual update workshop with the stakeholder group,¹ which the electric utility is to host on or about April 1 of

¹ Pursuant to 4 CSR 240-22.020(56), Stakeholder group means —

(A) Staff, public counsel, and any person or entity granted intervention in a prior Chapter 22 proceeding of the electric utility. Such persons or entities shall be a party to any subsequent related Chapter 22 proceeding of the electric utility without the necessity of applying to the commission for intervention; and

(B) Any person or entity granted intervention in a current Chapter 22 proceeding of the electric utility.

every year in which the electric utility is not required to submit a triennial compliance filing. Pursuant to Rule 4 CSR 240-22.080(3)(C), the electric utility is to prepare a summary report respecting the workshop and to file it within 10 days following the workshop. Rule 4 CSR 240-22.080(3)(D) states: “Stakeholders may file comments with the commission concerning the utility’s annual update report and summary report within thirty (30) days of the utility’s filing of the summary report.” Although the Commissioners have broad statutory authority, and authority necessary or proper to its explicit statutory powers,² there is no explicit provision in Rule 4 CSR 240-22.080 for hearings regarding the annual updates.

3. Rather than the Staff assume that it is giving a correct reading of the Commission’s December 19, 2012 *Order* that the Commission is leaving open the possibility of further determinations and actions by the Commission, including hearings, based on Kansas City Power & Light Company’s (“KCPL’s”) first annual update to its 2012 Electric Resource Plan / Integrated Resource Plan, the Staff thought it best to ask for clarification. Is the Commission leaving open the possibility of further determinations and actions, including hearings, based upon:

- (a) the contents of KCPL’s 2013 annual update report and summary report, (i) in reflection of the remedies / resolutions in the Signatories’ November 19, 2012 *Joint Filing*, and (ii) as directed by the Commission in “The Commission Orders That” section, item “2” in the December 19, 2012 *Order*; and
- (b) Stakeholder comments concerning (i) KCPL’s 2013 annual update report and (ii) KCPL’s summary report, filed by Stakeholders within thirty (30) days of KCPL’s filing of its summary report?

² See Sections 386.040 and 386.250(7) RSMo. 2000; *State ex rel. Laclede Gas Co. v. Public Serv. Comm’n*, 535 S.W.2d 561, 566-67 (Mo.App. K.C. 1976).

4. In “The Commission Orders That” item “4” the Commission directed that File No. EO-2012-0323 be closed on January 1, 2013. Given the apparent open matters to be addressed by KCPL in its first annual update and possible further action by the Commission, the Staff is unclear whether the Commission wants KCPL to make its first annual update report filing and summary report filing and the Stakeholders comments in a new file rather than File No. EO-2012-0323.

WHEREFORE the Staff files this Motion For Clarification regarding the matters addressed hereinabove.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Motion For Clarification* have been transmitted electronically to all counsel of record this 28th day of December, 2012.

/s/ Steven Dottheim