

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

In the Matter of the Resource Plan of )  
Kansas City Power & Light Company )

**File No. EO-2012-0323**

## ORDER DENYING MOTION TO STRIKE

Issue Date: December 10, 2012

Effective Date: December 10, 2012

On April 9, 2012, Kansas City Power & Light Company (“KCP&L”) filed with the Missouri Public Service Commission (“Commission”) its 2012 Integrated Resource Plan (IRP), which is required by the Commission’s Electric Utility Resource Planning rule, 4 CSR 240-22. On September 6, 2012, the Staff of the Commission, the Office of the Public Counsel, the Missouri Department of Natural Resources, the Sierra Club, and the Natural Resources Defense Council submitted reports identifying concerns and alleged deficiencies regarding the IRP.

On November 2, 2012, KCP&L requested an extension of time until November 19, 2012 to make additional filings required under Commission Rule 4 CSR 240-22.080(9) & (10) (collectively, the “60-day filings”). The 60-day filings permitted by Commission Rule 4 CSR 240-22.080(10) include comments by an intervenor in response to another party.

On November 19, 2012, some of the parties, including Sierra Club, jointly filed the *Joint Filing*, which stated proposed remedies to many alleged deficiencies and concerns expressed by those parties and also identified those alleged deficiencies that could not be resolved. In addition, Sierra Club also timely filed on November 19, 2012 the *Sierra Club Comments in Response to Kansas City Power & Light and Request for Hearing* (the “November 19 comments”).

On November 27, 2012, KCP&L filed a motion to strike the November 19 comments by Sierra Club. KCP&L argues that Sierra Club's November 19 comments are an improper attempt to supplement the record and are not authorized under 4 CSR 240-22.080(10) because the rule does not permit Sierra Club to "provide additional comments or expand on its alleged deficiencies to the electric corporation's IRP Plan". The November 19 comments discuss the same topics and make the same arguments that Sierra Club previously filed on September 6, 2012. Sierra Club did not interject new concerns or alleged deficiencies in the November 19 comments. Commission Rule 4 CSR 240-22.080(10) permits a 60-day filing by an intervenor "in response to each other", but does not otherwise specifically limit the type or nature of such comments. The Commission concludes that Sierra Club's November 19 comments filed in response to KCP&L were appropriate under that rule. The Commission will deny the motion to strike the November 19 comments.

**THE COMMISSION ORDERS THAT:**

1. Kansas City Power & Light Company's Motion to Strike Sierra Club's November 19<sup>th</sup> Comments and Request for Hearing is denied.
2. This order shall become effective immediately upon issuance.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

Michael Bushmann, Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 10<sup>th</sup> day of December, 2012.