

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 31st day of
October, 2012.

In the Matter of An Application for a
Variance from 4 CSR 240-20.065
Regarding Net Metering Tariffs

)
) **File No. EE-2013-0125**
)

**ORDER DIRECTING KANSAS CITY POWER & LIGHT COMPANY AND
KCP&L GREATER MISSOURI OPERATIONS COMPANY TO FILE REVISED
NET METERING TARIFFS BY DECEMBER 1, 2012**

Issue Date: October 31, 2012

Effective Date: November 10, 2012

On October 2, 2012, the Commission's Staff filed a notice in File No. EO-2013-0124 informing the Commission that Kansas City Power & Light Company (KCPL) and KCP&L Greater Missouri Operations Company (GMO) had not yet filed revised tariffs to incorporate recent changes to the Commission's net metering rules, nor had they sought a waiver regarding that requirement of the rule. Staff's notice sought direction from the Commission as to whether it should file a complaint against those companies. On October 3, KCPL and GMO responded by filing a motion that created this file. In that motion, KCPL and GMO ask for a variance from the Commission's rules to allow them until December 1, 2012, to file the required revisions to their net metering tariffs.

On October 24, Staff filed a pleading in EO-2013-0124 indicating that KCPL and GMO's filing of a request for a variance has satisfied its concerns in that case. Consequently, the Commission closed that file. However, on the same date, Staff filed a recommendation in this case advising the Commission to deny KCPL and GMO's request for a variance. Staff explains that it does not believe the companies have shown good

cause for their requested variance in that they knew the net metering rules were being revised and had ample time to file a revised tariff. Although it recommends the Commission deny the requested variance, Staff indicates it does not plan to take any actions regarding KCPL and GMO's violations so long as the companies file new net metering tariff provisions by December 1.

KCPL and GMO's application does not clearly indicate from which regulation it wants the Commission to grant a variance. The application asks for a variance from "the tariff filing requirement of the Commission's net metering rule as set forth in 4 CSR 240-20.065(B)." Unfortunately, no such section exists in the net metering rule. Staff's recommendation to deny KCPL and GMO's application for a variance cites 4 CSR 240-20.065(3)(B). Section (3) of the rule concerns ownership of RECs associated with customer-generated net-metered renewable energy resources. It does not have a subsection (B).

A review of the rule reveals that section (4) concerns "Electric Utility Obligations." Subsection (B) of that section imposes the following obligation on the electric utility:

A tariff or contract shall be offered that is identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator.

While that subsection requires the electric utility to offer either a tariff or a contract that presumably must be consistent with the revised regulation, the subsection does not impose any specific requirements about how quickly the utility must revise its tariff. As a result, there is no need to grant KCPL and GMO a variance from the regulation.

Nevertheless, Staff is correct that KCPL and GMO need to revise their tariffs to comply with the revised regulation. The companies indicate they will file revised tariffs no later than December 1. The Commission will order the companies to do so.

THE COMMISSION ORDERS THAT:

1. Kansas City Power & Light Company shall file a revised net metering tariff no later than December 1, 2012.
2. KCP&L Greater Missouri Operations Company shall file a revised net metering tariff no later than December 1, 2012.
3. This order shall become effective on November 10, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney,
and Stoll, CC, concur.

Woodruff, Chief Regulatory Law Judge