

BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

Application Of)	<u>File No. EU-2010-0194</u>
Kansas City Power & Light Company and)	Tracking Nos.
KCP&L Greater Missouri Operations Company)	JE-2010-0430 and
for An Accounting Authority Order)	JE-2010-0431

ORDER SUSPENDING TARIFFS AND DIRECTING FILINGS, AND NOTICE OF CONTESTED CASE

Issue Date: January 6, 2010

Effective Date: January 6, 2010

The Missouri Public Service Commission is suspending tariff sheets ("tariffs"), giving notice of this action, and directing certain filings.

On December 29, 2009, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company ("applicants") filed the application. The application cites Section 393.1030, RSMo Supp. 2008 ("Proposition C"). The applicants seek an order authorizing certain accounting practices ("AAO").

Specifically, in the application, applicants ask the Commission to:

(a) issue an AAO authorizing Applicants:

(i) to record all incremental operating expenses associated with the Renewable Energy Standard in USOA Account 182;

(ii) to annually calculate AFUDC on the balances in those regulatory assets; and

(iii) to amortize those costs for financial reporting purposes over a ten (10) year period to the appropriate USOA Account commencing with the effective date of new rates in KCP&L's next general rate case; and

(b) provide the Applicants such other relief that the Commission believes is necessary and appropriate and that is not inconsistent with the AAO requested in this application.[¹]

Also on December 29, 2009, applicants filed the tariffs, reflecting the order that the applicants seek.

A. Suspension of Tariffs and Responses to this Order

The tariffs bear an effective date of January 28, 2010. That date may not allow the Commission sufficient time to determine whether the tariffs are just and reasonable as the law requires.² Therefore, the Commission will suspend the tariffs as the law allows.³

The law allows a suspension for a period of 120 days beyond the tariff's effective date.⁴ Also, if the Commission cannot conclude the hearing within that period, the commission may extend the suspension for six months more.⁵ But the application and tariffs relate to provisions of Proposition C that are already in effect.

Therefore, the Commission will require responses to this order from the parties as to whether the Commission should decide the application and tariffs on an expedited basis.

B. Notice of Contested Case

The statutes provide that the suspension of a tariff occurs only pending a "full" hearing and decision on the tariff's propriety.⁶ The provision for a full pre-decision hearing signifies that this action is now a "contested case."⁷ A contested case is a formal hearing

¹ Application, paragraph 11.

² Section 393.190.1, RSMo Supp. 2008.

³ Section 393.150.1, RSMo 2000.

⁴ *Id.*

⁵ Section 393.150.2, RSMo 2000.

⁶ Section 393.150.1, RSMo 2000.

⁷ Section 536.010(4), RSMo Supp. 2008.

procedure, but it allows for waiver of procedural formalities⁸ and a decision without a hearing,⁹ including by stipulation and agreement.¹⁰ This order and notice does not require any party to file an answer. The Commission's discovery regulations are at 4 CSR 240-2.090.

C. Intervention and Notice of this Action

The Commission will direct the publication and availability of this notice and order, and will set deadlines for applications to intervene, and responses to such applications.

THE COMMISSION ORDERS THAT:

1. The proposed tariff sheets filed on December 29, 2009, by Kansas City Power & Light Company under Tariff Tracking No. JE-2010-0430 are suspended. The specific tariff sheets suspended are:

PSC Mo. No. 7
Original Sheet No. 46,
Original Sheet No. 46A, and
Eighth Revised Sheet No. TOC-1, cancelling Seventh Revised Sheet No. TOC-1.

2. The proposed tariff sheets filed on December 29, 2009, by KCP&L Greater Missouri Operations Company under Tariff Tracking No. JE-2010-0431 are suspended. The specific tariff sheets suspended are:

PSC Mo. No. 1
Original Sheet No. R-62.19,
Original Sheet R-62.20, and
Ninth Revised Sheet No. R-3, cancelling Eighth Revised Sheet No. R-3.

⁸ Sections 536.060(3) and 536.063(3), RSMo 2000.

⁹ Sections 536.060, RSMo 2000.

¹⁰ 4 CSR 240-2.115.

3. The tariff sheets specified in ordered paragraphs 1 and 2 (“tariffs”) are suspended for a period of 30 days, from January 28, 2010, through February 27, 2010, subject to further orders of the Commission.

4. As to whether the Commission should decide the application and tariffs on an expedited basis:

- a. Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company shall file a response,
 - b. The Commission’s staff shall file a recommendation, and
 - c. The Office of the Public Counsel may file a recommendation
- no later than January 8, 2010.

5. The Commission will consider motions to intervene and responses as follows. Any application for intervention shall be filed no later than January 21, 2010. Any response to any application for intervention shall be filed no later than February 1, 2010. Any application for intervention or response to such application shall be filed electronically at: www.psc.mo.gov or delivered to:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

6. The Data Center of the Missouri Public Service Commission shall serve a copy of this order upon the county commission of each county in the service areas of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company.

7. The Missouri Public Service Commission’s Public Information Office shall make notice of this order available to the members of the General Assembly representing the

residents of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company service area and to the news media serving those residents.

8. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 6th day of January 2010.