

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

In the Matter of the Application of Kansas City)
Power & Light Company for the Issuance of an)
Accounting Authority Order relating to its) File No. EU-2012-0130
Electrical Operations and for a Contingent Waiver)
of the Notice Requirement of 4 CSR 240-4.020(2).)

**THE OFFICE OF THE PUBLIC COUNSEL’S RESPONSE IN SUPPORT
OF STAFF’S MOTION TO DISMISS**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Response in Support of Staff’s Motion to Dismiss states as follows:

1. On December 19, 2011, Kansas City Power & Light (KCPL) filed an Application for Accounting Authority Order with the Missouri Public Service Commission (Commission) requesting deferral of costs and ungenerated revenues attributable to the Missouri River flooding and the constraints placed on KCPL’s electric generation due to the limited availability of coal to produce electricity.
2. On March 21, 2012, the Staff of the Missouri Public Service Commission (Staff) filed a Motion to Dismiss, or in the Alternative, Motion to Consolidate stating that KCPL’s Application (1) fails to establish the necessity of an Accounting Authority Order (AAO), given that the test year in KCPL’s recent rate case filing, ER-2012-0174, encompasses the very same period in which KCPL incurred the costs and ungenerated revenues it is seeking to defer; and (2) is an improper use of an AAO because KCPL cannot defer revenues that never existed. In the alternative, Staff requested a Commission order consolidating the above-captioned matter with KCPL’s currently pending rate case, ER-2012-0174.
3. Public Counsel now states that it strongly supports Staff’s Motion to Dismiss.

4. In the alternative, should the Commission determine KCPL's Application should not be dismissed at this time, Public Counsel supports Staff's alternative Motion to Consolidate.

WHEREFORE, Public Counsel respectfully submits its Response.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 27th day of March 2012:

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