

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 25, 2001**

CASE NO: EE-2001-663

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Kansas City Power & Light Company)	<u>Case No. EE-2001-663</u>
for a Variance from the Separate)	Tariff No. 200200123
Meter Requirement)	

ORDER REOPENING CASE AND
ORDER APPROVING COMPLIANCE TARIFFS

This order re-opens the case and approves the tariff filing submitted by the applicant in compliance with a Commission order.

On August 13, 2001, Kansas City Power & Light Company filed its notice with the Missouri Public Service Commission that it had complied with that part of the order issued by the Commission on July 10, 2001, which ordered KCPL to file a revised Tariff Sheet No. 1.71 (Separate Metering Variances) to add an approved variance to its list of variances from Commission Rule 4 CSR 240-20.050 that the Commission previously granted to KCPL. The proposed tariff was assigned tariff number 200200123. The Commission issued a notice closing the case on August 14, 2001.

On September 13, 2001, the Staff of the Commission filed its motion to re-open the case and attached a Staff recommendation. The following points were stated in that pleading:

After the Commission closed this case, in a separate case (i.e., case number EE-2002-32), the Commission granted KCPL another variance from Commission Rule 4 CSR 240-20-050 for the Stonecroft Ministries apartment

building under construction at 10121 Grandview Road, Kansas City, Missouri. The Commission did not order that KCPL add this variance to the Tariff Sheet No. 1.71 list of variances. KCPL and the Staff agree that Tariff Sheet No. 1.71 should be updated to include the Stonecroft Ministries apartment building and on September 5, 2001, KCPL filed in this case a substitute revised Tariff Sheet No. 1.71 that does this.

Although the Commission could allow the substitute revised Tariff Sheet 1.71 to go into effect by operation of law, the Staff believes that it would be appropriate for the Commission to re-open this case for the purpose of the filing of the Staff's recommendation regarding the tariff sheets filed by KCPL.

In the memorandum attached to the motion, the Staff recommends that the Commission issue an order approving the substitute revised Tariff Sheet 1.71 filed by KCPL on September 5, 2001. This tariff sheet bears an issuance date of August 30, 2001, and an effective date of September 30, 2001. This tariff sheet reflects all variances from Commission Rule 4 CSR 240-20.050 that the Commission has granted to KCPL as of the date of the recommendation. The Staff is of the opinion that the tariff sheet was timely filed and that it complies with the Commission's order of July 10, 2001.

Thus, the Staff moved the Commission to re-open this case for the purpose of the filing of the Staff's recommendation, and the Staff recommends that the Commission issue an order approving the tariff filed by KCPL on August 13, 2001, as substituted by revised Tariff Sheet 1.71 filed on September 5, 2001, Tariff File No. 200200123, with an effective date of September 30, 2001.

No other party filed a response to Staff's motion. Commission Rule 4 CSR 240-2.080(16) provides that parties are allowed not more than ten days in which to respond to any pleading, unless otherwise ordered by the Commission. Thus, the time within which a party may respond has passed.

No motions to suspend the tariff were filed, no applications to intervene were filed, and no party requested a hearing. The *Deffenderfer* case held that the requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has

requested the opportunity to present evidence.¹ Since no one requested a hearing, the Commission may grant the relief requested based on the application.

The Commission grants Staff's motion filed on September 13, 2001, and, further, finds that KCPL's tariff filing is reasonable, in the public interest, and should be approved.

IT IS THEREFORE ORDERED:

1. That the motion to re-open this case filed by the Staff of the Missouri Public Service Commission on September 13, 2001, is granted.

2. That the tariff sheet filed by Kansas City Power & Light Company, on August 13, 2001, as substituted on September 5, 2001, under tariff number 200200123, is approved for service on September 30, 2001. The tariff sheet approved is:

P.S.C. Mo. No. 2
First Revised SHEET No. 1.71 Canceling Original SHEET No. 1.71

3. That this order will become effective on September 30, 2001.

4. That this case may be closed on October 1, 2001.

BY THE COMMISSION

(SEAL)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of September, 2001.

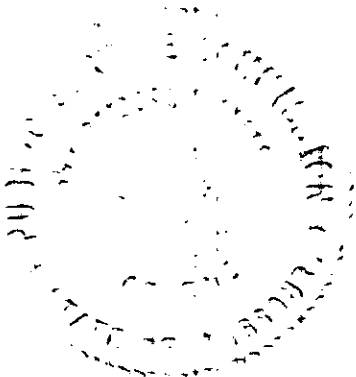
¹ *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 25th day of Sept. 2001.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge