

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 27<sup>th</sup> day of April, 2011.

In the Matter of the Application of Kansas City Power & Light Company for Approval to Make Certain Changes in Its Charges for Electric Service to Continue the Implementation of Its Regulatory Plan	) ) ) ) )	<b><u>Case No. ER-2010-0355</u></b> Tariff No. YE-2011-0523 Tariff No. YE-2011-0524 Tariff No. YE-2011-0534
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**ORDER APPROVING TARIFFS IN COMPLIANCE  
WITH COMMISSION REPORT AND ORDER**

Issue Date: April 27, 2011

Effective Date: May 4, 2011

On June 4, 2010, Kansas City Power & Light Company submitted to the Commission proposed tariff sheets intended to implement a general rate increase for electrical service provided in its Missouri service area. The Commission issued a Report and Order on April 12, 2011,<sup>1</sup> in which it rejected KCPL's tariffs, but allowed KCPL to file tariffs that comport with the Report and Order no later than April 18. The Commission also ordered any objections to the tariffs to be filed no later than April 22.

On April 18, KCP&L filed tariff sheets which the Commission denominated Tariff Nos. YE-2011-0523 and YE-2011-0524, as amended by substitute sheets filed on April 19, 20 and 26. On April 26, KCP&L also filed Tariff No. YE-2011-0534.

KCP&L stated that these tariffs comply with the Commission's Report and Order, and KCPL requested that the tariffs become effective for service on and after May 4.

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<sup>1</sup> All calendar references are to 2011 unless otherwise noted.

Contemporaneously with those tariffs, KCP&L filed Motions for Expedited Consideration, requesting Commission approval by May 4. In those motions, KCP&L pointed out that the original tariffs were filed on June 4, 2010, thereby meaning that the Commission's time to decide a rate case pursuant to Section 393.150.1 RSMo will expire on May 4.

The Staff of the Missouri Public Service Commission filed its Recommendation on April 22. Staff stated that the above-referenced tariff sheets comply with the Commission's Report and Order, and recommended that the Commission approve them. Staff also stated that the tariff sheets, as clarified, state good cause for the Commission to approve the tariffs on less than 30 days' notice

The Office of the Public Counsel ("OPC") and Robert Wager ("Mr. Wagner") objected to certain tariff sheets on April 22, stating that they did not reflect a stipulation and agreement regarding outdoor lighting issues that the Commission had approved. On April 26, however, KCP&L filed Tariff No. YE-2011-0534, and represented that KCP&L, OPC, and Mr. Wagner agreed that the tariff filed on April 26 reflects their agreement. Further, KCP&L represented that Staff is not opposed to that tariff.

The Commission has reviewed the above-mentioned filings, and determines that the filings comply with the Commission's order. The Commission further finds that good cause exists for KCPL to be excused from the Section 393.140(11) requirement that tariffs have a 30-day effective date.

To constitute good cause, the reason or legal excuse given “must be real not imaginary, substantial not trifling, and reasonable not whimsical.”<sup>2</sup> No party objects to KCP&L’s and Staff’s assertion that the Commission has good cause to order the tariffs into effect before the 30-day effective date. The Commission independently finds and concludes that it has good cause to order the tariffs into effect before the 30-day effective date.

**THE COMMISSION ORDERS THAT:**

1. The Motions for Expedited Treatment filed by Kansas City Power & Light Company are granted.
2. All objections to the tariffs approved in this order are overruled.
3. The following tariff sheets in Tariff No. YE-2011-0523 and YE-2011-0524, issued April 12, 2011, as amended by substitute sheets filed on April 19, 2011, and April 20, 2011, and April 26, 2011, and Tariff No. YE-2011-0534, issued April 26, 2011, are hereby approved to become effective on May 4, 2011:

**P.S.C. Mo. No. 7**

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Ninth Revised Sheet No. TOC-1, Canceling Eighth Revised Sheet No. TOC-1  
Sixth Revised Sheet No. 5A, Canceling Fifth Revised Sheet No. 5A  
Sixth Revised Sheet No. 5B, Canceling Fifth Revised Sheet No. 5B  
First Revised Sheet No. 6, Canceling Original Sheet No. 6  
Sixth Revised Sheet No. 8, Canceling Fifth Revised Sheet No. 8  
Fifth Revised Sheet No. 8A, Canceling Fourth Revised Sheet No. 8A  
Sixth Revised Sheet No. 9A, Canceling Fifth Revised Sheet No. 9A  
Sixth Revised Sheet No. 9B, Canceling Fifth Revised Sheet No. 9B  
Sixth Revised Sheet No. 10A, Canceling Fifth Revised Sheet No. 10A  
Sixth Revised Sheet No. 10B, Canceling Fifth Revised Sheet No. 10B  
Sixth Revised Sheet No. 10C, Canceling Fifth Revised Sheet No. 10C

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<sup>2</sup> *Belle State Bank v. Indus. Comm’n*, 547 S.W.2d 841, 846 (Mo. App. 1977). See also *Barclay White Co. v. Unemployment Compensation Bd.*, 50 A.2d 336, 339 (Pa. 1947) (to show good cause, reason given must be real, substantial, and reasonable).

Sixth Revised Sheet No. 11A, Canceling Fifth Revised Sheet No. 11A  
Sixth Revised Sheet No. 11B, Canceling Fifth Revised Sheet No. 11B  
Sixth Revised Sheet No. 11C, Canceling Fifth Revised Sheet No. 11C  
Sixth Revised Sheet No. 14A, Canceling Fifth Revised Sheet No. 14A  
Sixth Revised Sheet No. 14B, Canceling Fifth Revised Sheet No. 14B  
Sixth Revised Sheet No. 14C, Canceling Fifth Revised Sheet No. 14C  
Sixth Revised Sheet No. 17A, Canceling Fifth Revised Sheet No. 17A  
Sixth Revised Sheet No. 18A, Canceling Fifth Revised Sheet No. 18A  
Sixth Revised Sheet No. 18B, Canceling Fifth Revised Sheet No. 18B  
Sixth Revised Sheet No. 18C, Canceling Fifth Revised Sheet No. 18C  
Sixth Revised Sheet No. 19A, Canceling Fifth Revised Sheet No. 19A  
Sixth Revised Sheet No. 19B, Canceling Fifth Revised Sheet No. 19B  
Sixth Revised Sheet No. 19C, Canceling Fifth Revised Sheet No. 19C  
Sixth Revised Sheet No. 20C, Canceling Fifth Revised Sheet No. 20C  
First Revised Sheet No. 24, Canceling Original Sheet No. 24  
Eleventh Revised Sheet No. 24A, Canceling Tenth Revised Sheet No. 24A  
First Revised Sheet No. 24B, Canceling Original Sheet No. 24B  
Fifth Revised Sheet No. 28B, Canceling Fourth Revised Sheet No. 28B  
Sixth Revised Sheet No. 30, Canceling Fifth Revised Sheet No. 30  
Sixth Revised Sheet No. 33, Canceling Fifth Revised Sheet No. 33  
Second Revised Sheet No. 33A, Canceling First Revised Sheet No. 33A  
Second Revised Sheet No. 33B, Canceling First Revised Sheet No. 33B  
Sixth Revised Sheet No. 35, Canceling Fifth Revised Sheet No. 35  
Sixth Revised Sheet No. 35A, Canceling Fifth Revised Sheet No. 35A  
Sixth Revised Sheet No. 35B, Canceling Fifth Revised Sheet No. 35B  
Sixth Revised Sheet No. 35C, Canceling Fifth Revised Sheet No. 35C  
Sixth Revised Sheet No. 36, Canceling Fifth Revised Sheet No. 36  
Sixth Revised Sheet No. 36A, Canceling Fifth Revised Sheet No. 36A  
Sixth Revised Sheet No. 36B, Canceling Fifth Revised Sheet No. 36B  
Sixth Revised Sheet No. 37, Canceling Fifth Revised Sheet No. 37  
Sixth Revised Sheet No. 37A, Canceling Fifth Revised Sheet No. 37A  
Sixth Revised Sheet No. 37B, Canceling Fifth Revised Sheet No. 37B  
Sixth Revised Sheet No. 37C, Canceling Fifth Revised Sheet No. 37C  
Sixth Revised Sheet No. 37D, Canceling Fifth Revised Sheet No. 37D  
Sixth Revised Sheet No. 37E, Canceling Fifth Revised Sheet No. 37E  
Sixth Revised Sheet No. 37F, Canceling Fifth Revised Sheet No. 37F  
Sixth Revised Sheet No. 37G, Canceling Fifth Revised Sheet No. 37G  
Sixth Revised Sheet No. 45, Canceling Fifth Revised Sheet No. 45  
Sixth Revised Sheet No. 45A, Canceling Fifth Revised Sheet No. 45A  
Original Sheet No. 47

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**P.S.C. Mo. No. 2 (Rules)**

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Second Revised Sheet No. 1.17, Canceling First Revised Sheet No. 1.17  
Third Revised Sheet No. 1.28, Canceling Second Revised Sheet No. 1.28

4. This order shall become effective on May 4, 2011.
5. This case shall be closed on May 5, 2011.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Gunn, Chm., Clayton, Davis,  
Jarrett, and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge