

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

In the Matter of Kansas City Power & Light )  
Company's Practices Regarding Customer )  
Opt-Out Of Demand-Side Management )  
Programs and Related Issues. )

Case No. EO-2013-\_\_\_\_\_

**JOINT APPLICATION TO ESTABLISH A PROCEEDING TO REVIEW  
KANSAS CITY POWER & LIGHT COMPANY'S PRACTICES REGARDING  
CUSTOMER OPT OUT OF DEMAND-SIDE MANAGEMENT PROGRAMS AND  
ASSOCIATED PROGRAMS' COSTS AND REVENUE IMPACTS**

**COME NOW** Staff of the Missouri Public Service Commission ("Staff") and Kansas City Power & Light Company ("KCPL")(collectively "Joint Applicants") and file this *Joint Application* to establish a contested case to review KCPL's practices regarding customer opt-out of demand-side management programs and associated programs' costs and revenue impacts. In support of this *Joint Application*, the Joint Applicants state as follows:

1. On December 24, 2012, Staff and KCPL filed their *Joint Notice Of Dispute Between Staff And Kansas City Power & Light Company Regarding Customer Opt Out Of Demand-Side Management Programs And Associated Programs' Costs* in In re Kansas City Power & Light Company, Case No. ER-2012-0174 ("*Joint Notice*").

2. This is the pleading the Joint Applicants stated in the *Joint Notice* they anticipated filing with the Commission to open a contested case. Staff and KCPL disagree on the application of the Missouri Energy Efficiency Investment Act of 2009 ("MEEIA"), Section 393.1075, and the applicable MEEIA Rules.<sup>1</sup>

3. The Joint Applicants request that the Commission issue an order that:

- Opens a contested case;

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<sup>1</sup> Rule 4 CSR 240-20.094(6).

- Provides a date by which interested persons may intervene in this case;
- Provides notice of this case to the parties of KCPL's last general rate case and MEEIA application case, Case Nos. ER-2012-0174 and EO-2012-0008, respectively;
- and
- Provides a date on which the Commission will convene a prehearing in this case.

4. Staff recommends the Commission direct KCPL to provide notice to at least customers who have requested since August 2009 to opt-out under the MEEIA statute and/or MEEIA Rules under 4 CSR 240-20.094(6)(A) or (B), and who are not otherwise provided notice as a party to Case No. ER-2012-0174 or EO-2012-0008.

#### **Other Information**

5. Pursuant to the provisions of 4 CSR 240-2.060, KCPL is a Missouri corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64105. KCPL is primarily engaged in the business of generating, transmitting, distributing, and selling electric energy to the public in portions of western Missouri and eastern Kansas. KCPL is an electrical corporation and a public utility, as defined in Section 386.020. KCPL provided its Certificate of Good Standing in Case No. EF-2002-315, which is incorporated by reference in accord with 4 CSR 240-2.060(1)(G).

6. KCPL has no final, unsatisfied judgments or decisions against it from state or federal regulatory agencies or courts that involve customer service, which has occurred within the three years immediately preceding the filing of this Application other than the

following: Emma J. McFarlin and Rebecca Shepherd v. Kansas City Power and Light Company, Mo. P.S.C. Case No. EC-2013-0024. KCPL has no overdue Commission annual reports or assessment fees.

7. Pleadings, notices, orders, and other correspondence and communications related to this Application should be sent to the undersigned counsel and also to:

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**WHEREFORE**, Staff and KCPL file this *Joint Application* requesting that the Commission issue an order as requested in paragraph three (3) above, and establish a contested case to determine the appropriate application of Section 393.1075 of MEEIA and the applicable MEEIA Rules.

Respectfully submitted,

**/s/ Roger W. Steiner**  
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Missouri Public Service Commission

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served electronically on this **18<sup>th</sup> day of January, 2013**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

**/s/ Jennifer Hernandez**