

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

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. )

**Case No. ER-2010-0355**  
Tariff No. JE-2010-0692

**Staff’s Response to Kansas City Power & Light Company’s Motion  
for Expedited Consideration and Approval of Tariff Sheets Filed in  
Compliance with Commission Order on Less than Thirty Day’s Notice**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and, in response to Kansas City Power & Light Company’s motion, states:

1. Staff is not opposing expedited Commission action on the tariff sheets Kansas City Power & Light Company has filed asserting they comply with the Commission’s *Report and Order* in this case; however, Staff believes Kansas City Power & Light Company has misapplied Section 393.150.1, RSMo.

2. In the first sentence of the fifth paragraph of its motion Kansas City Power & Light Company states:

KCP&L initiated this rate proceeding on June 4, 2010, by the filing of tariff sheets that bore a proposed effective date of May 4, 2011. The full suspension period permitted under the law expires on that date. Accordingly, unless the Commission approves the revised tariff sheets filed by KCP&L to be effective on May 4, 2011, the Commission will violate Section 393.150.

3. In the preceding paragraph four it quotes Section 393.150 as follows:

Section 393.150.1 RSMo. authorizes the Commission to suspend the effectiveness of rate schedules for a period of one hundred and twenty days beyond the proposed effective date. In addition, the Commission” . . . may, in its discretion, extend the time of suspension for a further period **not exceeding six months.**” Section 393.150.2 (emphasis supplied).

4. Since the Commission has never suspended the tariff sheets Kansas City Power & Light Company filed bearing effective dates of May 4, 2011 to initiate this case and the Commission has rejected them with its April 12, 2011 *Report and Order*, Section 393.150 is inapplicable.

5. Kansas City Power & Light Company has filed pleadings virtually identical to this one in two of its last three general electric rate increase cases, Case Nos. ER-2006-0314 and ER-2007-0291. In the second pleading, filed in Case No. ER-2007-0291, Kansas City Power & Light Company, as here, correctly stated it had filed tariff sheets bearing eleven-month effective dates then proceeded to argue, as it does here, that the Commission would violate Section 393.150 if the Commission did not approve new tariff sheets with new rates by January 1, 2008.<sup>1</sup>

6. In the first pleading, filed in Case No. ER-2006-0314, Kansas City Power & Light Company erroneously recited the effective date of the originally filed tariff sheets to be March 3, 2006, when it was instead January 1, 2007.<sup>2</sup> Even if it had correctly recited the tariff effective dates in that case, Kansas City Power & Light Company's argument does not follow from Section 393.150. Section 393.150 only requires the Commission to reject the filed tariff sheets within the suspension period or they take effect by operation of law.

7. Thus, it appears to Staff this argument was originally made based on a factual error and, while the same type of factual error has not been repeated, the argument, without the error, is not even valid on its face.

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<sup>1</sup> **MOTION FOR EXPEDITED CONSIDERATION AND APPROVAL OF TARIFF SHEETS FILED IN COMPLIANCE WITH COMMISSION ORDER ON LESS THAN THIRTY DAYS' NOTICE** filed December 13, 2007, *In the Matter of the Application of Kansas City Power and Light Company to Modify Its Tariffs to Continue the Implementation of Its Regulatory Plan*, Case No. ER-2007-0291.

<sup>2</sup> **WITHDRAWAL OF TARIFF SHEETS AND MOTION FOR EXPEDITED CONSIDERATION AND APPROVAL OF TARIFF SHEETS FILED IN COMPLIANCE WITH COMMISSION ORDER ON LESS THAN THIRTY DAYS' NOTICE** filed December 27, 2006, in *In the Matter of the Application of Kansas City Power and Light Company for Approval to Make Certain Changes in its Charges for Electric Service to Begin the Implementation of Its Regulatory Plan*, Case No. ER-2006-0314.

**WHEREFORE**, Staff informs the Commission Staff believes Section 393.150, RSMo. will not be violated if the Commission does not approve the revised tariff sheets filed by Kansas City Power & Light Company to be effective on or before May 4, 2011.

Respectfully submitted,

**/s/ Nathan Williams**

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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19<sup>th</sup> day of April 2011.

**/s/ Nathan Williams**