

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 3rd day of
December, 2014.

In the Matter of the Application of)
Kansas City Power & Light Company for the) **File No. EU-2014-0255**
Issuance of an Order Authorizing Construction)
Accounting Relating to its Electrical Operations)

ORDER DENYING MOTION TO CONSOLIDATE

Issue Date: December 3, 2014

Effective Date: December 3, 2014

On June 12th,¹ Kansas City Power and Light Company (KCP&L) filed an application seeking an Accounting Authority Order (“AAO”) authorizing construction accounting treatment for the environmental project at the La Cygne Generating Station (“La Cygne”). If granted, KCP&L would book certain construction expenses for improvements at La Cygne as a regulatory asset for consideration in a future rate case.

On September 18th, Staff of the Missouri Public Service and KCP&L filed a joint proposed procedural schedule, which included a December 10th deadline for the filing of surrebuttal testimony and an evidentiary hearing on December 17th and 18th.

A few weeks later, on October 9th, Staff filed a petition requesting the Commission issue an Accounting Order (“AO”) directing KCP&L to account as a regulatory liability U.S. Department of Energy (“DOE”) nuclear fuel storage fees KCP&L collects from retail customers even though DOE stopped requiring it as of May 16th (File No. EU-2015-0094).

On November 17th, Staff filed a *Motion to Consolidate Cases*, requesting the Commission consolidate this matter with File No. EU-2015-0094. Staff asserts that since

¹ All calendar references are to 2014 unless indicated otherwise.

Staff's witnesses and the issues are identical, consolidation would promote "administrative efficiency." Two days later, KCP&L filed a response opposing Staff's motion.²

KCP&L points out that Staff has been aware of the DOE fee matter since August yet agreed to a procedural schedule in this file in September. KCP&L also points out that no substantive relationship exists between the depreciation expense and carrying costs for La Cygne and the DOE decommissioning fees. The Commission agrees. Furthermore, the granting or denying of KCP&L's AAO application has no impact on the treatment of Staff's AO request. Commission Rule 4 CSR 240-2.110(3) permits the consolidation of pending matters that involve related questions of law or fact. Although, these actions seek the same relief under the same legal standard and will likely involve the same parties and the same Staff witnesses, the two actions are too substantively dissimilar to meet the standard of Commission Rule 4 CSR 240-2.110(3). Thus, the Commission will deny Staff's request to consolidate File Nos. EU-2014-0255 and EU-2015-0094.³

THE COMMISSION ORDERS THAT:

1. The Staff of the Missouri Public Service Commission's *Motion to Consolidate Cases* is denied.

² Midwest Energy Consumers Group filed a response supporting Staff's motion.

³ In its response, KCP&L suggests it may be more appropriate to consolidate the AO matter with KCP&L's pending general rate case (File No. ER-2014-0370). Staff disagrees; stating it is not seeking ratemaking treatment for the DOE fee consideration, but rather to ensure the Commission considers all pertinent accounting provisions when making a determination on the AAO. Since no motion to consolidate is before the Commission and the two actions do not involve this file, the Commission will not address a potential consolidation of File Nos. EU-2015-0094 and ER-2014-0370.

2. This order shall be effective when issued.



R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Burton, Regulatory Law Judge,

BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary