

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 7th day of November, 2012.

In the Matter of)	
Kansas City Power & Light Company's)	File No. ER-2012-0174
Request for Authority to Implement)	Tracking No. YE-2012-0404
a General Rate Increase for Electric Service)	

and

In the Matter of)	
KCP&L Greater Missouri Operations Company's)	File No. ER-2012-0175
Request for Authority to Implement)	Tracking No. YE-2012-0405
General Rate Increase for Electric Service)	

**ORDER INCORPORATING UNOPPOSED NON-UNANIMOUS
STIPULATIONS AND AGREEMENTS**

Issue Date: November 7, 2012

Effective Date: November 17, 2012

The Missouri Public Service Commission is approving three non-unanimous, but unopposed, stipulations and agreements¹ and incorporating the provisions of those documents into this order.

A. Procedure

In each of these actions, the statutes and Commission regulations allow for waiver of procedural formalities² and a decision without a hearing,³ including by stipulation and agreement.⁴ Fewer than all parties may file a stipulation and agreement ("non-unanimous

¹ As of the date of this order a fourth non-unanimous stipulation and agreement is on file—*Non-Unanimous Stipulation and Agreement Regarding Class Cost of Service / Rate Design*, filed on October 29--but is the subject of several filed objections. Further stipulations and agreements may also be forthcoming.

² Sections 536.060(3) and 536.063(3), RSMo 2000.

³ Sections 536.060, RSMo 2000.

⁴ *Id.* and 4 CSR 240-2.115.

stipulation and agreement”).⁵ If no party files an objection within seven days of the filing of a non-unanimous stipulation and agreement, the Commission may treat the non-unanimous stipulation and agreement as unanimous.⁶

B. Filings

The three the non-unanimous stipulations and agreements are as follows.

1. Airport and Water

In File Nos. ER-2012-0174 and ER-2012-0175, the Commission received a *Partial Nonunanimous Stipulation and Agreement Respecting Kansas City Water Services Department and Airport Issues* on October 19. The filing parties were City of Kansas City, Missouri, Kansas City Power & Light Company, and KCP&L Greater Missouri Operations Company. The Commission received no objection, so the Commission may treat that non-unanimous stipulation as a unanimous stipulation.

2. “Certain Issues”

In File Nos. ER-2012-0174 and ER-2012-0175, the Commission received a *Non-Unanimous Stipulation and Agreement as to Certain Issues*, objections, and withdrawal of objections; each withdrawal of objection proffering new non-unanimous stipulated and agreed language (“modification”) as set forth in the appendix. None of the modifications are the subject to any objection filed as of the date of this order. Therefore, the Commission may treat those non-unanimous stipulations and agreements, with the modifications, as unanimous stipulations and agreements.

⁵ 4 CSR 240-2.115(2).

⁶ 4 CSR 240-2.115(2)(C).

3. MEEIA

As to File No. ER-2012-0175, the “Certain Issues” stipulation and agreement includes a resolution of matters related to the Missouri Energy Efficiency Investment Act⁷ (“MEEIA”). That resolution refers to the MEEIA application of KCP&L Greater Missouri Operations Company now pending in File No. EO-2012-0009 (“MEEIA application case”). The signatories agree that that settlement of the MEEIA application case resolves the MEEIA matters in File No. ER-2012-0175. On October 29, the Commission received a *Non-Unanimous Stipulation and Agreement Resolving KCP&L Greater Missouri Operations Company’s MEEIA Filing*⁸ in the MEEIA application case that, the parties agreed on the record, resolves all MEEIA matters.⁹ The Commission received no objection, so the Commission may treat that non-unanimous stipulation and agreement as a unanimous stipulation and agreement.

C. Ruling

Each non-unanimous stipulation and agreement waives procedural requirements that would otherwise be necessary before final decision.¹⁰ Also, because this order is interlocutory, the Commission need not separately state its findings of fact on the matters resolved.¹¹ Further, the Commission independently finds and concludes that each non-unanimous stipulation and agreement will support safe and adequate service at just and reasonable rates, so the Commission will incorporate the provisions of each non-unanimous stipulation and agreement into this order.

⁷ Section 393.1075, RSMo Supp. 2011.

⁸ Staff’s Late-Filed Exhibit 392, filed on October 29.

⁹ Transcript volume 19, page 1085, line 11, to page 1090, line 15.

¹⁰ Section 536.060, RSMo 2000.

¹¹ *Id.*

THE COMMISSION ORDERS THAT:

1. The Commission incorporates into this order, as if fully set forth at length, the:
 - a. *Nonunanimous Stipulation and Agreement Respecting Kansas City Water Services Department and Airport Issues.*
 - b. *Non-Unanimous Stipulation and Agreement as to Certain Issues* as modified by the:
 - i. *Non-Unanimous Stipulation and Agreement Regarding Low-Income Weatherization and Withdrawal of Objection and Request for Hearing;*
and
 - ii. *Non-Unanimous Stipulation and Agreement Regarding Praxair, Inc., Ag Processing Inc a Cooperative and the Midwest Energy Users' Association's Objection and Withdrawal of Objection and Request for Hearing.*
 - c. *Non-Unanimous Stipulation and Agreement Resolving KCP&L Greater Missouri Operations Company's MEEIA Filing.*
2. This order shall become effective on November 17, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney,
and Stoll, CC., concur.

Jordan, Senior Regulatory Law Judge

Appendix

<u>Document</u>	<u>Date Filed</u>	<u>Parties Filing</u>	<u>Deadline for Objection</u>
<i>Non-Unanimous Stipulation and Agreement as to Certain Issues</i>	October 19	Kansas City Power & Light Company KCP&L Greater Missouri Operations Company Staff	October 26
<i>Objection to Non-unanimous Stipulation</i>	October 24	Praxair, Inc.	N/A
<i>Objection to Non-Unanimous Stipulation and Agreement Filed October 19, 2012</i>	October 24	City of Kansas City, Missouri	N/A
<i>Non-Unanimous Stipulation and Agreement Regarding Low-Income Weatherization and Withdrawal of Objection and Request for Hearing</i>	October 26	City of Kansas City, Missouri Kansas City Power & Light Company, KCP&L Greater Missouri Operations Company Missouri Department of Natural Resources- Staff Office of the Public Counsel	November 2
<i>Non-Unanimous Stipulation and Agreement Regarding Praxair, Inc., Ag Processing Inc a Cooperative and the Midwest Energy Users' Association's Objection and Withdrawal of Objection and Request for Hearing</i>	October 29	AG Processing, Inc., Kansas City Power & Light Company, KCP&L Greater Missouri Operations Company, Midwest Energy Users' Association, Staff, Praxair, Inc.	November 5