

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

In the Matter of Kansas City Power & Light     )  
Company's Request for Authority to Implement     )  
A General Rate Increase for Electric Service     )

**Case No. ER-2012-0174**

**STAFF RESPONSE TO OBJECTION TO TARIFF**

**COMES NOW** Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and files this Response with the Missouri Public Service Commission ("Commission") stating the following:

1. On January 17, 2013, Midwest Energy Consumers' Group ("MECG"), Missouri Industrial Energy Consumers ("MIEC") and Praxair, Inc. (collectively referred to as "Industrial Intervenors"), filed an *Objection To Tariff* ("*Objection*"). The *Objection* asserts that Kansas City Power & Light Company's ("KCPL") tariff sheets filed to comply with the Commission's *Report and Order* in this case are unlawful because "KCPL has failed to segregate and quantify its energy efficiency costs into a separate avoidable charge"<sup>1</sup> for opt-out customers.

2. On December 24, 2012, Staff and KCPL filed a *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* ("*Joint Notice*").

3. The *Joint Notice* stated that Staff and KCPL anticipated filing a separate joint pleading to open a separate contested case to put before the Commission the issue of the application of the Missouri Energy Efficiency Investment Act of 2009

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<sup>1</sup> *Objection To Tariff*, ¶ 5.

("MEEIA"), Section 393.1075, RSMo (Supp. 2011), and the applicable MEEIA Rules<sup>2</sup> to opt-out customers. That case, Case No. EO-2013-0359, is now before Commission.

4. In its *Report and Order* at page eight (8), the Commission states:

On December 24, 2012, Staff and KCPL filed notice of a new issue: which demand-side programs a customer may opt out of under the Missouri Energy Efficiency Investment Act ("MEEIA"). Staff recommends that the Commission not address the new issue because it is too late to develop evidence and arguments. Staff is correct and the Commission will not address that matter in these actions.

(internal citations omitted).

5. In the *Report and Order* the Commission also states at page sixty-six (66), in ordered paragraph five (5) "5. No later than January 16, 2013: a. Kansas City Power and Light Company ("KCPL") shall file a new tariff consistent with the rulings described in this report and order ("compliance tariff") under File No. ER-2012-0174...."

6. The Commission should note that the Industrial Intervenors' *Objection* does not assert the Commission's *Report and Order* is unlawful or that KCPL's compliance tariff filing does not comply with the *Report and Order* cited above.

7. Case No. EO-2013-0359 will address the issues raised by the Industrial Intervenors in their *Objection*, and as such, Staff recommends the Commission at this time deny the relief sought by the Industrial Intervenors.

**WHEREFORE**, Staff files this Response for the Commission's information and consideration and recommends the Commission at this time deny the relief sought by the Industrial Intervenors in their *Objection To Tariff*.

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<sup>2</sup> 4 CSR 240-20.094(6).

Respectfully submitted,

**/s/Jennifer Hernandez**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served electronically on this **18th 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**