

Holsman, Laura

From: Rogers, John
Sent: Tuesday, May 18, 2010 7:42 AM
To: Sundermeyer, Susan; Holsman, Laura
Subject: FW: EW-2010-0265 Legal Issues
Attachments: KCPL Response to Staff Questions.pdf
[Please file this email and attachment in EW-2010-0265.](#)

From: Steiner, Roger W. [mailto:rsteiner@sonnenschein.com]

Sent: Friday, May 14, 2010 1:25 PM

To: Rogers, John; 'Ajay Arora'; 'Alden Hathaway'; 'Alex Pennock'; 'Allen Dennis'; 'Andrew Meyer'; 'Anne McKibbin'; 'Barry Dicker'; 'Barry Matchett'; 'Barry Warren'; Beck, Dan; 'Beth Burka'; 'Beth Soholt'; 'Bill Barbieri'; 'Bill Davis'; 'Bill Loesch'; 'Bill Roush'; 'Bill Roush'; 'Billie LaConte'; 'Billie Sue LaConte'; 'Blake Mertens'; 'Bob Gardner'; 'Bob Miller'; 'Brad Klein'; 'Brad Lutz'; 'Brent Ross'; 'Brett McLean'; Brown, Doyle; 'Burton Crawford'; 'Cara Schaefer'; 'Carl Lumley'; Carlson, Bob; 'Charles Peoples'; 'Chuck Strickland'; 'Craig Wetmore'; 'D. J. Linton'; 'Dan Laurent'; 'Dane Glueck'; 'Dave Kreimer'; 'David Weisman'; 'David Overfelt'; 'Dianna M. Vuylsteke'; 'Donald Johnstone'; 'Doug Healy'; 'Duane Highley'; 'Ed Downey'; Pappas, Charles; Voss, Cherlyn; Wilbers, Brenda; 'Ed Hedges'; 'Ed Matthews'; 'Eric Swillinger'; 'Eric Thumma'; 'Erin Noble'; 'Frank Lewon'; 'Gaye Suggett'; 'Greg Meyer'; 'Hank Stelzer'; 'Hans Detweiler'; 'Heather Starnes'; 'Henry Rentz'; 'Henry Robertson'; Hughes, Mark; 'Jay Hasheider'; 'Jayna Long'; 'Jeff Lewis'; 'Jeff Reinkemeyer'; Mendl, Jerry; 'Jesse Bermel'; 'Jim Fischer'; 'Jim Okenfuss'; 'John Coffman'; 'John Ervin'; 'John Grimwade'; 'Josh Harden'; 'Joyce Davidson'; 'Juan Gutierrez'; 'Judd Moritz'; 'Kari Decker'; Zobrist, Karl; 'Kathleen Henry'; 'Kathleen Logan Smith'; 'Keith Beall'; 'Kelly Walters'; 'Khristine Heisinger'; 'Lars Kvale'; 'Lisa Langeneckert'; 'Lois Liechti'; 'LuAnn Madsen'; Mantle, Lena; 'Mark Lawlor'; 'Marvin Rollison'; 'Matt Michels'; 'Matthew Brown'; 'Maurice Brubaker'; 'Michelle Harris'; Mills, Lewis; Noller, John; Oligschlaeger, Mark*; Wheeler, Janet; Dietrich, Natelle*; Dottheim, Steve; 'Keith Beall'; 'Kim McCloud'; Kind, Ryan; 'Margo McNeil'; 'Marsha Troy'; 'Michael McCabe'; 'Mike Bollenbach'; 'Mike Carella'; 'Mike Revak'; 'Mike Whitmore'; Moore, Richard; 'Nathan Jones'; 'P. J. Wilson'; 'Patrick McNamara'; 'Paula Haskin'; 'Pete Curtice'; 'Phil Wright'; 'Randy Hughes'; 'Rex Jenkins'; 'Richard Voytas'; 'Richard Wright'; 'Rob Freeman'; 'Rob Land'; 'Robert Willen'; 'Roger Clark'; 'Ron McLinden'; 'Ron Stimmel'; 'Russ Mitten'; Trippensee, Russ; 'Scott Miller'; 'Sierra Club Missouri Chapter'; 'Stacey L Johnson'; 'Stephen Kidwell'; 'Steve Capanna'; 'Steve Gaw'; 'Stuart Conrad'; Sundermeyer, Susan; 'Susan Brown'; 'Terry Hilgedick'; 'Tim Michels'; 'Tim Rush'; 'Tim Wilson'; 'Todd Tarter'; 'Tom Rutigliano'; 'Tony Robyn'; 'Travis Creswell'; 'Troid Edwards'; 'Vaughn Prost'; 'Veronica Thomason'; 'Wade Miller'; 'Warren Wood'; 'Wenbin Li'; 'Wendy Tatro'; 'Wil Cooper'; Williams, Nathan; Woods, Shelley; 'Yuri Horwitz'; 'Zeina El-Azzi'; 'Zeke Fairbank'; Barnes, Matthew; Bender, Leon; Eaves, Dana; Gross, Randy; Kang, Hojong; Roos, David; Wankum, Martha; Adrian, Barb; 'Brad Lutz'; 'Cara Schaefer'; Eichelberger, Pam; Elliott, David; 'George McCollister'; Gregory, Sheryl; 'Hagemeyer, Jeremy'; Harden, Joshua; Hernandez, Jennifer; Hughes, Mark; 'Jill Cornett'; 'Joseph O'Donnell'; Josh Harden (jktharden@gmail.com); 'Laura Becker'; Moore, Richard; Neuner, Joyce; 'Nickie Lee'; 'Proctor, Mike'; Rick D. Chamberlain; 'Tim Rush'; Todd Tarter; Viebrock, Shelley; Voss, Cherlyn; 'Watkins, James'; Wheeler, Janet; 'Angela Beehler'; 'B. Maire Pieniazek'; 'Bruce Campbell'; 'Damon E. Xenopoulos'; 'David Ellis'; 'Glen Smith'; 'John Orr'; 'Ken Baker'; 'Kenneth Schisler'; Mckinnie, Adam; 'Paul Peterson'; 'Paul Tyno'; 'Rebecca Stanfield'; 'Tim Carter'; 'Tom Ruteigliano'

Cc: Williams, Nathan

Subject: RE: EW-2010-0265 Legal Issues

[Attached is KCP&L's response to some of Staff's questions.](#)

From: Rogers, John [mailto:John.Rogers@psc.mo.gov]

Sent: Thursday, May 06, 2010 4:39 PM

To: 'Ajay Arora'; 'Alden Hathaway'; 'Alex Pennock'; 'Allen Dennis'; 'Andrew Meyer'; 'Anne McKibbin'; 'Barry Dicker'; 'Barry Matchett'; 'Barry Warren'; Beck, Dan; 'Beth Burka'; 'Beth Soholt'; 'Bill Barbieri'; 'Bill Davis'; 'Bill Loesch'; 'Bill Roush'; 'Bill Roush'; 'Billie LaConte'; 'Billie Sue LaConte'; 'Blake Mertens'; 'Bob Gardner'; 'Bob Miller'; 'Brad Klein'; 'Brad Lutz'; 'Brent Ross'; 'Brett McLean'; Brown, Doyle; 'Burton Crawford'; 'Cara Schaefer'; 'Carl Lumley'; Carlson, Bob; 'Charles Peoples'; 'Chuck Strickland'; 'Craig

5/18/2010

Wetmore'; 'D. J. Linton'; 'Dan Laurent'; 'Dane Glueck'; 'Dave Kreimer'; 'David Weisman'; 'David Overfelt'; 'Dianna M. Vuylsteke'; 'Donald Johnstone'; 'Doug Healy'; 'Duane Highley'; 'Ed Downey'; Pappas, Charles; Voss, Cherlyn; Wilbers, Brenda; 'Ed Hedges'; 'Ed Matthews'; 'Eric Swillinger'; 'Eric Thumma'; 'Erin Noble'; 'Frank Lewon'; 'Gaye Suggett'; 'Greg Meyer'; 'Hank Stelzer'; 'Hans Detweiler'; 'Heather Starnes'; 'Henry Rentz'; 'Henry Robertson'; Hughes, Mark; 'Jay Hasheider'; 'Jayna Long'; 'Jeff Lewis'; 'Jeff Reinkemeyer'; Mendl, Jerry; 'Jesse Bermel'; 'Jim Fischer'; 'Jim Okenfuss'; 'John Coffman'; 'John Ervin'; 'John Grimwade'; 'Josh Harden'; 'Joyce Davidson'; 'Juan Gutierrez'; 'Judd Moritz'; 'Kari Decker'; Zobrist, Karl; 'Kathleen Henry'; 'Kathleen Logan Smith'; 'Keith Beall'; 'Kelly Walters'; 'Khristine Heisinger'; 'Lars Kvale'; 'Lisa Langeneckert'; 'Lois Liechti'; 'LuAnn Madsen'; Mantle, Lena; 'Mark Lawlor'; 'Marvin Rollison'; 'Matt Michels'; 'Matthew Brown'; 'Maurice Brubaker'; 'Michelle Harris'; Mills, Lewis; Noller, John; Oligschlaeger, Mark*; Rogers, John; Wheeler, Janet; Dietrich, Natelle*; Dottheim, Steve; 'Keith Beall'; 'Kim McCloud'; Kind, Ryan; 'Margo McNeil'; 'Marsha Troy'; 'Michael McCabe'; 'Mike Bollenbach'; 'Mike Carella'; 'Mike Revak'; 'Mike Whitmore'; Moore, Richard; 'Nathan Jones'; 'P. J. Wilson'; 'Patrick McNamara'; 'Paula Haskin'; 'Pete Curtice'; 'Phil Wright'; 'Randy Hughes'; 'Rex Jenkins'; 'Richard Voytas'; 'Richard Wright'; 'Rob Freeman'; 'Rob Land'; 'Robert Willen'; 'Roger Clark'; Steiner, Roger W.; 'Ron McLinden'; 'Ron Stimmel'; 'Russ Mitten'; Trippensee, Russ; 'Scott Miller'; 'Sierra Club Missouri Chapter'; 'Stacey L Johnson'; 'Stephen Kidwell'; 'Steve Capanna'; 'Steve Gaw'; 'Stuart Conrad'; Sundermeyer, Susan; 'Susan Brown'; 'Terry Hilgedick'; 'Tim Michels'; 'Tim Rush'; 'Tim Wilson'; 'Todd Tarter'; 'Tom Rutigliano'; 'Tony Robyn'; 'Travis Creswell'; 'Troid Edwards'; 'Vaughn Prost'; 'Veronica Thomason'; 'Wade Miller'; 'Warren Wood'; 'Wenbin Li'; 'Wendy Tatro'; 'Wil Cooper'; Williams, Nathan; Woods, Shelley; 'Yuri Horwitz'; 'Zeina El-Azzi'; 'Zeke Fairbank'; Barnes, Matthew; Bender, Leon; Eaves, Dana; Gross, Randy; Kang, Hojong; Roos, David; Wankum, Martha; Adrian, Barb; 'Brad Lutz'; 'Cara Shaefer'; Eichelberger, Pam; Elliott, David; 'George McCollister'; Gregory, Sheryl; 'Hagemeyer, Jeremy'; Harden, Joshua; Hernandez, Jennifer; Hughes, Mark; 'Jill Cornett'; 'Joseph O'Donnell'; Josh Harden (jkharden@gmail.com); 'Laura Becker'; Moore, Richard; Neuner, Joyce; 'Nickie Lee'; 'Proctor, Mike'; Rick D. Chamberlain; 'Tim Rush'; Todd Tarter; Viebrock, Shelley; Voss, Cherlyn; 'Watkins, James'; Wheeler, Janet; 'Angela Beehler'; 'B. Maire Pieniazek'; 'Bruce Campbell'; 'Damon E. Xenopoulos'; 'David Ellis'; 'Glen Smith'; 'John Orr'; 'Ken Baker'; 'Kenneth Schisler'; Mckinnie, Adam; 'Paul Peterson'; 'Paul Tyno'; 'Rebecca Stanfield'; 'Tim Carter'; 'Tom Ruteigliano'

Cc: Williams, Nathan

Subject: EW-2010-0265 Legal Issues

John Rogers is sending this email on behalf of Nathan Williams.

Greetings all,

Staff requests that the workshop participants provide, by e-mail or submission in File No. EW-2010-0265, their rationales for why positions they are taking for rules to implement SB 376 are lawful in Missouri. Although this is short notice, Staff requests the rationales be provided by May 13, 2010 to allow an opportunity to consider them as early as the May 17-18, 2010 workshop. Staff plans to make as much as the first two hours of that workshop available for presentations of those rationales. Among the legal issues and rationales the Staff would like to see addressed are:

The legality of cost recovery between rate cases;

The legality of decoupling;

The applicability of section 386.266.8 RSMo.;

The meaning of "rate design modification" as used in section 393.1075.5, i.e., does it include decoupling, etc.; and

The scope of cost-effective demand-side savings.

The foregoing is not an exclusive listing, but includes those issues Staff knows now it would like addressed.

Thank you,

Nathan Williams