

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

Ag Processing, Inc., a Cooperative,)	
)	
Complainant,)	
)	
v.)	<u>File No. HC-2010-0235</u>
)	
KCP&L Greater Missouri Operations)	
Company,)	
James M. Fischer,)	
Fischer & Dority, P.C.,)	
101 Madison Street, Suite 400,)	
Jefferson City, Missouri 65101,)	
CERTIFIED MAIL,)	
)	
Respondent.)	

**NOTICE OF COMPLAINT, NOTICE OF CONTESTED CASE, ORDER
SEPARATING COMPLAINT FROM QUARTERLY COST ADJUSTMENT
CASES, AND ORDER PRESERVING DISCOVERY**

Issue Date: February 11, 2010

Effective Date: February 11, 2010

On January 28, 2010, Ag Processing, Inc., filed a complaint¹ against KCP&L Greater Missouri Operations Company, f/k/a Aquila, Inc., d/b/a Aquila Networks-L&P. The complaint consists of two counts related to the two annual rate adjustment periods for the Quarterly Cost Adjustment (QCA) mechanism for steam fuel costs. These two rate adjustment periods are for calendar years 2006 and 2007 and correspond to Commission File Nos. HR-2007-0028 and HR-2007-0399.

¹ Ag Processing filed a single Complaint with two case captions in both Case Nos. HR-2007-0028 and HR-2007-0399. A copy of the complaint is attached as Appendix A.

The Commission has determined that this complaint shall be docketed as a separate case from the QCA cases. In order to prevent repeating discovery, and the delay and expense of having to do so, any orders, filings, or discovery, including data requests, interrogatories, and any other information gathered in the QCA cases shall be accessible and considered as if that order, filing, or discovery was provided in this matter.

Commission Rule 4 CSR 240-2.070, allows KCP&L-GMO 30 days from the date of this notice to file an answer or to file notice that the complaint has been satisfied.

A complaint requires that the Commission set a hearing² and thus this matter is a contested case.³ A contested case is a formal hearing procedure, but contested cases still allow for waiver of procedural formalities and a decision without a hearing⁴ in certain circumstances, including by stipulation and agreement.⁵ The Commission also gives notice that its rules of discovery are set forth at 4 CSR 240-2.090.

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the schedule set forth in this order.

THE COMMISSION ORDERS THAT:

1. No later than March 15, 2010, KCP&L Greater Missouri Operations Company, f/k/a Aquila, Inc., d/b/a Aquila Networks-L&P, shall file an answer or notice of satisfaction to the complaint filed by Ag Processing, Inc., on January 28, 2010.

² Section 386.390.5, RSMo 2000.

³ Section 536.010(4), RSMo, Cum. Supp. 2009.

⁴ Section 536.060, RSMo 2000.

⁵ 4 CSR 240-2.115.

2. Any orders, filings, or discovery, including data requests, interrogatories, and any other information gathered in the QCA cases shall be accessible and considered as if that order, filing, or discovery was provided in this case.

3. This order shall become effective upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name and title.

Steven C. Reed
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 11th day of February, 2010.