

4 CSR 240-22.080 Filing Schedule and Requirements

PURPOSE: This rule specifies the requirements for electric utility filings to demonstrate compliance with the provisions of this chapter. The purpose of the compliance review required by this chapter is not commission approval of the substantive findings, determinations or analyses contained in the filing. The purpose of the compliance review required by this chapter is to determine whether the utility's resource acquisition strategy meets the requirements stated in 4 CSR 240-22.010 (2) (A) -- (C) .

[OPC: appropriate response. Could not do stakeholder process like what has been done with UE with other utilities. Find out what utilities current annual update process is to determine what Chapter 22 annual updates should consist of.] [DNR: positive proposal. Pre-filing stakeholder process should be included in rule.] [MEDA: struggle for relevance. Moving down path of prescriptiveness.] [KCPL: agrees with MEDA. Just a longer checklist. Every year everything needs to be redone.] [EDE: needs to be more flexibility. Adding to old rule instead of creating new rule. Look at what is necessary and cost-effectiveness.] [UE: don't need this much prescriptiveness. Informal such as process when waiver from rules was in affect. Don't need a default if rules allow flexibility.]

(1) Each electric utility which sold more than one (1) million megawatt-hours to Missouri retail electric customers for calendar year 1991-2008 shall make a full compliance filing with the commission every three (3) years on April 1. The electric utilities shall submit their full compliance filings on the following schedule:

(A) Kansas City Power & Light Company, or its successor, on April 1 of 2012 and every third year thereafter;

(B) KCP&L Greater Missouri Operations Company, or its successor, on April 1 of 2012 and every third year thereafter; [KCPL: does this allow a combined utility filing?]

(C) The Empire District Electric Company, or its successor, on April 1 of 2013 and every third year thereafter;

(D) Union Electric Company d/b/a AmerenUE, or its successor, on April 1 of 2014 and every third year thereafter.

[UE: allow for less than full compliance if there is no large resource change in the near future. An "out" for full compliance filing if all stakeholders agree.]

[DNR: utility can ask for waivers. Would current Empire's 2010 filing still have to be met?] [OPC: fits well with current filing requirements] [KCPL: filing of RES reports needs to be considered.]

(2) The utility's full compliance filing shall ~~that demonstrates~~ compliance with the provisions of this chapter, and ~~. The utility's filing~~ shall include at least the following items:

(A) Letter of transmittal signed by the utility chairman of the board of directors and expressing commitment to the approved preferred resource plan and acquisition strategy; [KCPL: consistent with 070(10)? If so put verbiage in 070(10) instead of here.] [OPC: put letter in executive summary (070(10)) so it doesn't get lost in filing.] [EDE and KCPL: against having chairman being required to sign. Any officer of the company should be good enough (existing language)] [DNR: appropriate for chairman of the board to sign.] [OPC: believes that requirement should include chairman and/or board of directors.] [EDE: some officers are on board. Chairman requirement may delay timing of filing.]

(B) An executive summary of the information in the full compliance filing. The executive summary shall be made widely available to the public in print and electronic format and shall present the substance of the full compliance filing

in a manner written to enhance public awareness and understanding of the utility's preferred resource plan and resource acquisition strategy. The executive summary shall include, as a minimum, concise clear descriptions of the:

1. Preferred resource plan, including at a minimum:
 - a. The annual peak demand and energy forecast it is based on;
 - b. Supply-side and demand-side resources to be acquired or retired/terminated over the twenty (20) year planning horizon along with the expected on-line dates and the expected capacity and energy amount of each resource;
 - c. Estimated impact on rates pursuant to 4 CSR 240-22.060(2) (A) 4 - 5;
 - d. Estimated impact on company financial ratios pursuant to 4 CSR 240-22.060(4) (A);
 - e. Identification of critical uncertain factors affecting the preferred plan;
 - f. Ranges or combinations of outcomes for the critical uncertain factors that define the limits within which the preferred resource plan is judged to be appropriate pursuant to 4 CSR 240-22.070(6) (C); and
 - g. Public form of the capacity balance spreadsheet completed in the specified format attached to this rule;
 2. Set of contingency resource plan options that the utility judges to be appropriate responses to extreme outcomes of the critical uncertain factors or other reasons; and an explanation of why these contingency resource plans are judged to be appropriate responses to the specified outcomes as required by 4 CSR 240-22.070(6) (C);
 3. Changes since the utility's last compliance filing and potential changes in legal mandates, technology, cost, load forecast, and other factors that materially affect or are likely to materially affect the preferred resource plan;
 4. Actions and initiatives during the implementation period prior to the next scheduled IRP compliance filing
 - a. Implementation of utility supply- and demand-side resources;
 - b. Encouragement of utility customers to participate in electric energy resource initiatives available to the utility's customers sponsored by an entity other than the utility;
 5. Comparison of preferred resource plan and the top resource plans, including at a minimum:
 - a. Supply-side and demand-side resources to be acquired or retired/terminated over the twenty (20) year planning horizon along with the expected on-line dates and the expected capacity and energy amount of each resource;
 - b. Estimated impact on rates pursuant to 4 CSR 240-22.060(2) (A) 4 and 5; and
 - c. Estimated impact on company financial ratios pursuant to 4 CSR 240-22.060(4) (A);
- (C) information and aAny press release related to the filing, including notification of availability and location of the filing;
- (DE) Reports and information required by 4 CSR 240-22.030(108), 4 CSR 240-22.040(89), 4 CSR 240-22.045(5), 4 CSR 240-22.050(11), 4 CSR 240-22.060(6) and 4 CSR 240-22.070(141);
- (E) Analyses, reports and actions planned in response to special contemporary issues pursuant to 4 CSR 240-22.080(4)
- (D) A narrative description and summary of the reports and information referred to in subsection (1)(C). The narrative shall specifically show that the resource acquisition strategy contained in the filing has been officially approved by the utility and that the methods used and the procedures followed by the utility in formulating the resource acquisition strategy comply with the provisions of this chapter;
- (F) The highly confidential form of the capacity balance spreadsheet completed in the specified format;

(G) The utility shall submit to the manager of the commission Energy Department and the parties of the utility's previous full compliance filing, all of the supporting documentation as specified in 4 CSR 240-22.080 (11) used in the preparation of the full compliance filing. This information may be submitted to the manager of the Energy Department through the commission's electronic filing and information system (EFIS).

~~—(E) A request for a protective order from the commission if the utility seeks to protect anything contained in the filing as trade secrets, or as confidential or private technical, financial or business information; and~~

~~—(F) Tariff sheets as required by 4 CSR 240-14.040(2) for demand side programs that are promotional practices as defined by 4 CSR 240-14.010(6) (L).~~

~~(2) The electric utility's compliance filing may also include a request for nontraditional accounting procedures and information regarding any associated ratemaking treatment to be sought by the utility for demand-side resource costs. If the utility desires to make any such request, it must be made in the utility's compliance filing pursuant to this rule and not at some subsequent time. If the utility desires to continue any previously authorized nontraditional accounting procedures beyond the three (3)-year implementation period, it must request reauthorization in each subsequent filing pursuant to this rule. Any request for initial authorization or reauthorization of these nontraditional accounting procedures must—~~

~~—(A) Be limited to specific demand-side programs that are included in the utility's implementation plan; and~~

~~—(B) Include specific proposals that contain at least the following information:~~

~~—1. An explanation of the specific form and mechanics of implementing the proposed accounting procedure and any associated ratemaking treatment to be sought;~~

~~—2. A discussion of the rationale and justification of the need for a nontraditional treatment of these costs;~~

~~—3. An explanation of how the specific proposal meets this need for nontraditional treatment; and~~

~~—4. A quantitative comparison of the utility's estimated earnings over the three (3)-year implementation period with and without the proposed nontraditional accounting procedures and any associated ratemaking treatment to be sought. [DNR: EISA requirement for cost recovery of Demand-side costs needs to be considered.]~~

(3) Beginning in 2012, The each electric utility utilities shall also submit an annual update filing with the commission on April 1 of every year in which the utility is not required to submit a full compliance filing. The purpose of the annual update filing is to ensure that the commission, staff and interested parties stay informed regarding the utility's current preferred resource plan, to the status of the critical uncertain factors identified pursuant to 4 CSR 240-22.070(6) (C), and to changing conditions generally. make their initial compliance filings on a staggered basis in order of decreasing size of gross annual Missouri operating revenues from retail electric sales for calendar year 1991. The electric utility with the largest gross annual Missouri operating revenues shall make its initial filing seven (7) months (December 1993) after the effective date of this chapter (May 5, 1993). The remaining electric utilities shall make their initial filings in successive increments of seven (7) months from the effective date of this chapter (May 5, 1993). The annual update filing shall include at least the following items: [Dogwood: keep informed on top plans, include reports of RFP process in (7) and (9)][Jim Fischer: instead of annual update just require if there is a change in the resource plan.]

(A) Letter of transmittal signed by the utility chairman of the board of directors and expressing commitment to the approved current preferred resource plan; [KCPL: use same language as for compliance plan language.]

(B) A summary of the information in the annual update filing to include, as a minimum, concise descriptions of: [DNR: change in key uncertain factors included?]

1. The changes [material changes? Different definition from material change?] in load analysis, load forecasts, supply-side resources, demand-side resources, integrated resource analysis, risk analysis and strategy selection from that contained in the resource acquisition strategy adopted by the utility in its last full compliance or annual update filing; [KCPL & EDE: this would require a full compliance filing.] [EDE: isn't written to match what heard today.]

2. The utility's assessment of the impact of the annual transmission plan updates prepared by the regional transmission organizations to the transmission and distribution analysis in the utility's current preferred resource plan;

3. New legal mandates that could change the utility's preferred resource plan from that contained in the resource acquisition strategy adopted by the utility in its last full compliance or annual update filing;

4. Any other significant issues identified by the electric utility that could change the utility's preferred resource plan or resource acquisition strategy from that contained in the resource acquisition strategy adopted by the utility in its last full compliance or annual update filing;

5. Special contemporary issues identified pursuant to 4 CSR 240-22.080(4) that could change the utility's preferred resource plan or resource acquisition strategy from that contained in the resource acquisition strategy adopted by the utility in its last full compliance or annual update filing;

6. Utility's assessment of the impact of issues identified in paragraphs 1 through 5 of this subsection on the preferred resource plan;

7. Status report on the implementation of renewable energy resources, separately identifying demand-side and supply-side renewable energy resources, and any impacts on the utility's resource acquisition strategy adopted by the utility in its last full compliance filing or annual update filing; [KCPL: is this the RES report?]

8. Status report on the implementation of demand-side resources other than renewable energy resources and any impacts on the utility's resource acquisition strategy adopted by the utility in its last full compliance filing or annual update filing;

9. Status report on the implementation of supply-side resources other than renewable energy resources and any impacts on the utility's resource acquisition strategy adopted by the utility in its last full compliance filing or annual update filing;

10. Utility's current preferred resource plan, or the modification to or re-affirmation of the most recent preferred resource plan submitted in a full compliance or annual update filing; [KCPL: RES required report]

11. Estimated impact of the new preferred resource plan on rates pursuant to 4 CSR 240-22.060(2) (A) and on company financial ratios pursuant to 4 CSR 240-22.060(4) (A);

12. Actions the utility intends to undertake during the remaining implementation period to secure resources; and

13. New demand-side programs and other new electric resource initiatives available to utility customers during the remaining implementation period;

(C) Analyses, reports and actions planned in response to special contemporary issues pursuant to 4 CSR 240-22.080(4)

(D) The utility shall provide the updated highly confidential and public forms of the capacity balance spreadsheets completed in the specified format; and

(E) The utility shall submit to the manager of the commission Energy Department and the parties of the utility's previous full compliance filing, all of the supporting documentation as specified in 4 CSR 240-22.080 (11) used in the preparation of the annual update filing. This information may be submitted to

the manager of the Energy Department through the commission's electronic filing and information system (EFIS).

(4) It is the responsibility of each utility to keep abreast of evolving electric resource planning issues and to consider and analyze them in a timely manner in the full compliance and annual update filings. Commission staff may provide each electric utility with a list of special contemporary issues for the utility to consider in its analysis and report in its next full compliance filing or next annual update filing. The purpose of the special contemporary issues mechanism is to ensure that resource planning issues of evolving regulatory concern, including economic, financial, environmental, technical or customer issues, are adequately addressed by the utilities in their electric resource planning. The special contemporary issues list will identify new and evolving issues, but may also include other issues such as unresolved deficiencies from the preceding full compliance filing. To develop the list of special contemporary issues:[UE: utility should participate in the development of the list of issues.][KCPL: each utility have its own specific list. Distinction between long term and short term issues.][OPC: Generic issues that apply to all utilities][KCPL: should incorporating potential legislation be included in resource planning analysis?]

(A) No later than October 1, the office of public counsel (public counsel), the department of natural resources (department), and parties to the last Chapter 22 filing of each utility may provide to the manager of the Energy Department its recommendations of special contemporary issues for each utility for the staff to consider in its list; and [changes recommended by OPC]

(B) No later than November 1, staff shall provide a written list of special contemporary issues to each utility to consider in its next full compliance or annual update filing. staff narrow down list-[EDE: timing dependent on issues and number of issues]

(54) The commission will establish a docket for the purpose of receiving the full compliance filings and annual update filings of each ~~affected~~ electric utility. The commission will issue ~~an orders~~ that establishes an intervention deadline, sets an early pre-hearing conference and provides for notice. [Dogwood: is this consistent with EFIS? Notice to parties in prior full compliance filing?][OPC: same case number for full and annual filings][UE: may be difficult to track if annual and full filings overlap each other in time]

(65) The staff shall review each full compliance filing required by this rule and shall file a report not later than one hundred twenty (120) days after each utility's scheduled filing date. ~~that identifies~~ The report shall identify any deficiencies in the electric utility's compliance with the provisions of this chapter, any major deficiencies in the methodologies or analyses required to be performed by this chapter and any other deficiencies which, in its limited review, the staff determines would cause the electric utility's resource acquisition strategy to fail to meet the requirements identified in 4 CSR 240-22.010(2) (A) -- (C). If the staff's limited review finds no deficiencies, the staff shall state that in the report. A staff report that finds that an electric utility's filing is in compliance with this chapter shall not be construed as acceptance or agreement with the substantive findings, determinations or analysis contained in the electric utility's filing. [UE & KCPL: Definition of deficiency][OPC: don't need to define deficiency. Definition is up to Commission. Word "limited" with respect to review doesn't need to be in Chapter 22. don't replace with "complete". Have more time to review now.][KCP&L proposed: result in a material difference in the plan. Two levels of deficiency such as Staff uses][DNR: deficiency is in eye of beholder - can't measure if deficiency is material or not]

(76) Also within one hundred twenty (120) days after an electric utility's full compliance filing pursuant to this rule, the ~~office of public counsel, the department~~ and any intervenor may file a report or comments. The report or comments, based on a limited review, may that identify any deficiencies in the electric utility's compliance with the provisions of this chapter, any deficiencies in the methodologies or analyses required to be performed by this chapter, and any other deficiencies which the public counsel, department or intervenor believes would cause the utility's resource acquisition strategy to fail to meet the requirements identified in 4 CSR 240-22.010(2) (A) -- (C). [see OPC comment to section (7)] [UE: can we consolidate (6), (7) and (8) into one or two sections?]

(8) If in their limited review of the utilities' annual update filing, the staff, public counsel, department or an intervenor identify any deficiencies in the electric utility's compliance with the provisions of this chapter which in their determination would cause the electric utility's resource acquisition strategy to fail to meet the requirements identified in 4 CSR 240-22.010(2) (A) -- (C), the staff, public counsel, department or intervenor may file a report or comments within sixty (60) days after an electric utility's annual update filing pursuant to this rule.

~~_(7) All workpapers, documents, reports, data, computer model documentation, analysis, letters, memoranda, notes, test results, studies, recordings, transcriptions and any other supporting information relating to the filed resource acquisition strategy within the electric utility's or its contractors' possession, custody or control shall be preserved and made available in accordance with any protective order to the staff, public counsel and any intervenor for use in its review of the periodic filings required by this rule. Each electric utility shall retain at least one (1) copy of the officially adopted resource acquisition strategy and all supporting information for at least ten (10) years.~~

(98) If the staff, public counsel, department or any intervenor finds deficiencies in a full compliance filing or an annual update filing, it shall work with the electric utility and the other parties to reach, within forty-five (45) days of the date that the report or comments were submitted, a joint agreement on a plan to remedy the identified deficiencies. If full agreement cannot be reached, this should be reported to the commission through a joint filing as soon as possible, but no later than forty-five (45) days after the date on which the report or comments were submitted. The joint filing should set out in a brief narrative description those areas on which agreement cannot be reached. [UE: concern regarding requirement for both full compliance and annual update. Rethink response to annual filing] [DNR: similar to process in rate case - settlement and then if you can't settle then file.] [EDE: consider changing 45 days since we never make the 45 days]

(109) If full agreement on remedying deficiencies is not reached, then within sixty (60) days from the date on which the staff, public counsel, department or any intervenor submitted a report or comments relating to the electric utility's compliance filing, the electric utility may file a response and the staff, public counsel, department and any intervenor may file comments in response to each other. The commission will issue an order which indicates on what items, if any, a hearing will be held and which establishes a procedural schedule.

(11) All workpapers, documents, reports, data, computer model documentation, analysis, letters, memoranda, notes, test results, studies, recordings, transcriptions and any other supporting information relating to the filed

resource acquisition strategy within the electric utility's or its contractors' possession, custody or control shall be preserved and submitted within two (2) days of its full compliance or annual update filings in accordance with any protective order to the staff, public counsel, department and any intervenor [Jim Fischer: correct nomenclature (intervenors) for resource plan case for HC information?] for use in its review of the periodic filings required by this rule. Each electric utility shall retain at least one (1) readable copy of the officially adopted resource acquisition strategy and all supporting information for at least the prior three (3) full compliance filings. [limit "supplying" to the information that is needed for review] [KCPL: what does readable mean? Electronic file?]

(1210) If the utility materially changes its preferred resource plan or its resource acquisition strategy pursuant to 4 CSR 240-22.070(13), ~~determines that circumstances have changed~~ the utility shall file a written notification with the commission within sixty (60) days of the utility's determination. The notification shall include:

(A) Identification and discussion of all critical uncertain factors that have exceeded the limits identified in 4 CSR 240-22.070(6) (C);

(B) Identification and discussion of all material changes to the utility's resource acquisition strategy that have occurred;

(C) Identification and discussion of all changes to the utility's resource acquisition strategy necessary to be compliant with all requirements of 4 CSR 240-22.070(6), 4 CSR 240-22.070(13) and 4 CSR 240-22.070(14) (I);

(D) The utility's proposed schedule and activities to, at the earliest date possible, become compliant with all requirements of 4 CSR 240-22.070(6), 4 CSR 240-22.070(13) and 4 CSR 240-22.070(14) (I);

(E) The utility's new preferred plan;

(F) If appropriate, identification of the contingency resource plan option pursuant to 4 CSR 240-22.070(11) that the utility has determined to now be the preferred resource plan; and

(G) Updated highly confidential and public versions of the capacity balance spreadsheets completed in the specified format. [EDE: not needed if there is an annual update] [OPC: add "what led to change?", keep in addition to annual updates] [KCPL: redundant with annual report] ~~so that the preferred resource plan is no longer appropriate, either due to the limits identified pursuant to 4 CSR 240-22.070(10) (C) being exceeded or for other reasons, the utility, in writing, shall notify the commission within sixty (60) days of the utility's determination. If the utility decides to implement any of the contingency options identified pursuant to 4 CSR 240-22.070(10) (D), the utility shall file for review in advance of its next regularly scheduled compliance filing a revised implementation plan.~~

(1311) Upon written application, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of this chapter for good cause shown.

(A) The granting of a variance to one (1) electric utility which waives or otherwise affects the required compliance with a provision of this chapter does not constitute a waiver respecting, or otherwise affect, the required compliance of any other electric utility with a provision of these rules.

(B) The commission will not waive or grant a variance from this chapter in total.

(1412) The commission may extend or reduce any of the time periods specified in this rule for good cause shown.

(1513) The commission will issue an order which contains its findings regarding one or more of the following:

(A) That ~~that~~ the electric utility's filing pursuant to this rule either does or does not demonstrate compliance with the requirements of this chapter, and that the utility's resource acquisition strategy either does or does not meet the requirements stated in 4 CSR 240-22.010(2) (A) -- (C) ;, ~~and which addresses any utility requests pursuant to section (2) for authorization or reauthorization of nontraditional accounting procedures for demand-side resource costs.~~

(B) That the commission agrees or disagrees with the joint agreements on the remedies to the plan deficiencies developed pursuant to section (9) of this rule; and

(C) That the commission agrees or disagrees with each party's position for which full agreement on remedying deficiencies is not reached pursuant to section (10) of this rule.

[OPC: add explanation of why subsections were added. How would stip and agreements be handled with these requirements?][DNR: Commission acknowledge plan]

(16) In all future cases of any type before the commission, the utility must certify that the requested action is substantially consistent with the preferred resource plan specified in the most recent full compliance filing or annual update filing.[KCPL: what does "most recent" mean if the Commission hasn't made a determination on the most recent filing?][Jim Fischer: for all cases including AAO, financing, etc.?] [UE: refine filings where it is required][DNR: acknowledge the plan][Staff: tariff filings][Dogwood: identify if this is a filing that deviates from plan; certifying full compliance is meaningless; in compliance with compliance or annual plan - what if utility has sent in a change ?]

AUTHORITY: sections 386.040, 386.610 and 393.140, RSMo 1986 and 386.250, RSMo Supp. 1991.* Original rule filed June 12, 1992, effective May 6, 1993.

*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 386.610, RSMo 1939; and 393.140, RSMo 1939, amended 1949, 1967.