

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

In the Matter of the Application of KCP&L)
Greater Missouri Operations Company for)
Permission and Approval of a Certificate of)
Public Convenience and Necessity Authorizing)
It to Construct, Install, Own, Operate, Maintain)
and Otherwise Control and Manage Solar)
Generation Facilities in Western Missouri.)

Case No. EA-2015-0256

**KCP&L GREATER MISSOURI OPERATIONS COMPANY’S
RESPONSE TO PUBLIC COUNSEL’S MOTION FOR RECONSIDERATION AND
MOTION FOR EXPEDITED CONSIDERATION**

COMES NOW KCP&L Greater Missouri Operations Company (“GMO” or “Company”), and pursuant to 4 CSR 240-2.080, files its Response (“Response”) to the Missouri Office of the Public Counsel’s (“Public Counsel”) Motion For Reconsideration And Motion For Expedited Consideration (“Motion”) filed on January 29, 2016. In support of its Response, GMO states as follows:

1. On January 27, 2016, the Commission issued its *Order Establishing Procedural Schedule* (“Order”) adopting a procedural schedule which included: (1) filing a stipulation of agreed upon facts; (2) filing a list of contested issues; (3) filing a list and order of witnesses, order of cross-examination and statements of position; (4) an evidentiary hearing; and, (6) filing briefs. The Commission also explained the basis for its *Order* as follows:

The Commission believes that proceeding in the customary manner proposed by Staff and Public Counsel would unduly delay the project and effectively deny GMO’s application without allowing the Commission an opportunity to decide whether the proposed solar project would serve the public interest. Therefore, the Commission will generally adopt the procedural schedule proposed by GMO, although the hearing will be held on February 11 rather than the proposed date to avoid conflict with the Commission’s weekly agenda meeting. (*Order*, p. 2)

2. On January 28, 2016, the Public Counsel filed its Motion which requested reconsideration on an expedited basis, and setting “a different procedural schedule wherein the parties will be afforded the opportunity to engage in meaningful discovery and preparation for this contested hearing.” (Motion, p. 8)

3. Public Counsel has not raised a sufficient reason in its Motion which should cause the Commission to grant its motion for reconsideration. Section 386.500, RSMo. Therefore, the Commission should deny Public Counsel’s Motion.

4. While Public Counsel is concerned that it be allowed to engage in meaningful discovery, it did not mention that Public Counsel has already been engaged in discovery for some time. In fact, the Company has received approximately ninety (90) data requests, including forty-nine (49) from Staff, and forty-one (41) from Public Counsel, in this proceeding. The Company has responded to all of the data requests issued by Staff and to-date has responded to seven of the data requests issued by Public Counsel. The Company is working diligently to respond to the remaining Public Counsel data requests received on January 27 and 29, 2016, and it expects answers to be available before the February 11, 2016 hearing. It is also GMO’s understanding that Public Counsel has hired an experienced outside expert to investigate the application and present its testimony in this proceeding.

5. Public Counsel incorrectly argues that “the Commission’s order is unjust because it requires GMO ratepayers to bear the total cost of the project.” (Motion, p. 7) In fact, this is a proceeding involving GMO’s request for a certificate of convenience and necessity to construct a 3.57 mega-watt DC nameplate capacity (3 mega-watt AC) solar facility to be built in GMO’s service area. The Company is not requesting the inclusion of this proposed solar facility in rates at this time. As the Commission knows, electric corporations may not include any new facility

in rate base “before it is fully operational and used for service.” Section 393.135, RSMo. Any ratemaking decisions related to the proposed solar facility will be determined in a future rate case.

6. As the Commission noted in its *Order*, the Company believes that the solar project will provide the Company with valuable hands on experience in operating solar electrical production facility which will assist it in evaluating the potential of future utility scale solar installations. Public Counsel is concerned that the “employees that will be gaining experience will be KCPL employees.” (Motion, p. 7) As the Commission knows, the same Kansas City Power & Light Company (“KCP&L”) employees operate both GMO and KCP&L facilities and the experience gained from operating this solar project will inure to the benefit of those employees, and the ratepayers of both GMO and KCP&L. It would make little sense to build multiple solar facilities in each service territory when the proposed solar facility will provide the practical experience necessary to evaluate the potential of future utility scale solar installations.

WHEREFORE, for the reasons stated herein, the Company respectfully requests that the Commission deny Public Counsel’s Motion.

Respectfully submitted,

/s/ Roger W. Steiner

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**Counsel for KCP&L Greater Missouri
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served upon all counsel of record on this 2nd day of February, 2016, by either e-mail or U.S. Mail, postage prepaid.

/s/ Roger W. Steiner

Roger W. Steiner