

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

In the Matter of the Application of Kansas)	
City Power and Light Company for)	
Approval to Make Certain Changes in its)	Case No. ER-2006-0314
Charges for Electric Service to Begin the)	
Implementation of Its Regulatory Plan.)	

**WITHDRAWAL OF TARIFF SHEETS AND
MOTION FOR EXPEDITED CONSIDERATION AND
APPROVAL OF TARIFF SHEETS FILED IN COMPLIANCE WITH
COMMISSION ORDER ON LESS THAN THIRTY DAYS' NOTICE**

COMES NOW Kansas City Power & Light Company ("KCPL") and for its Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days' Notice respectfully states as follows to the Missouri Public Service Commission (the "Commission"):

1. On December 21, 2006, the Commission issued its *Report and Order* herein, bearing an effective date of December 31, 2006, authorizing KCPL to increase its annual revenues by approximately \$50,000,000, including a regulatory amortization. Among other things, the *Report and Order* directs KCPL to file, revised tariff sheets that comport with the *Report and Order*. (*Report and Order*, Ordered Paragraph 7, p. 92)

2. On December 27, 2006, KCPL filed with the Commission revised tariff sheets designed to effectuate the decisions made by the Commission in the *Report and Order*. Those revised tariff sheets stated an effective date of January 1, 2007. Because that effective date occurs prior to the 30 days' notice requirement provided in the Commission's regulations, KCPL withdraws those tariff sheets, and submits concurrently herewith further revised tariff sheets bearing an issue date of December 28, 2006 and an effective date of January 29, 2007. KCPL filed its motion for expedited approval as soon as it could have been filed as it was filed on the same day as its revised tariff sheets.

3. KCPL respectfully requests expedited approval of its tariff sheets. Specifically, KCPL requests an effective date of January 1, 2007, as contemplated in the *Report and Order* and requested in the application that initiated this proceeding. RSMo 393.140(11) provides that “The commission for good cause shown may allow changes without requiring the thirty days’ notice under such conditions as it may prescribe.” To show good cause for approval of the revised tariff sheets to be effective for electric service rendered on and after January 1, 2007, KCPL states that the tariff sheets have been filed in compliance with the Commission’s *Report and Order* herein. Moreover, KCPL has been working with Staff in developing the revised tariff sheets, and, on information and belief, states that Staff should be able to file its recommendation to approve the revised tariff sheets no later than the afternoon of December 28, 2006.

4. KCPL requests approval of the revised tariff sheets to be effective on January 1, 2007, as this would be consistent with the requirements of the law and long-standing Commission custom, practice and precedent.

5. RSMo. Section 393.150.1 authorizes the Commission to suspend the effectiveness of rate schedules for a period of one hundred and twenty days beyond the proposed effective date. In addition, the Commission “. . . may, in its discretion, extend the time of suspension for a further period **not exceeding six months**.”. Section 393.150.2 (emphasis supplied). As a creature of statute, the Commission has only such powers as are expressly conferred by the statutes and those reasonably incidental thereto. *State ex rel. Kansas City Transit, Inc. v. Public Ser. Comm’n*, 406 S.W.2d 5 (1966). The Commission therefore has no authority to suspend the effectiveness of rate schedules for a period longer than one hundred and twenty days plus six months beyond the proposed effective date.

6. KCPL initiated this rate proceeding on February 1, 2006, by the filing of tariff sheets that bore a proposed effective date of March 3, 2006. The Commission suspended the

effectiveness of those tariff sheets until January 1, 2007, the full suspension period permitted under the law. Accordingly, unless the Commission approves the revised tariff sheets filed by KCPL to be effective on January 1, 2007, the Commission will violate Section 393.150.

7. The Commission itself has an extended history of acting in accordance with this interpretation of Section 393.150. *See In re Missouri Gas Energy*, Report and Order, Case No. GR-96-285, p. 81, issued January 22, 1997; *In re St. Louis County Water Company*, 4 MPSC 3d 94, 119 (1995); *In re Capital City Water Company*, 3 MPSC 3d 333, 349 (1995); *In re Missouri Public Service*, 2 MPSC 3d 206, 220 (1993); *In re Kansas Power & Light Company*, 1 MPSC 3d 235, 253 (1992); *In re St. Louis County Water Company*, 29 MPSC (N.S.) 425, 452 (1988); *In re Missouri Gas Energy*, Case No. GR-2004-0209, Report and Order, issued September 21, 2004. KCPL therefore requests nothing more than compliance with the law and past Commission precedent and practice.

8. Should the Commission deny this motion and delay the effectiveness of the revised tariff sheets KCPL has filed in compliance with the *Report and Order* beyond January 1, 2007, (the operation of law date pursuant to Section 393.150), KCPL will be denied recovery of a certain portion of the rate relief to which the Commission has already found KCPL to be entitled. This would be unlawful, unjust, unreasonable, confiscatory and, in KCPL's opinion, a result not intended by the Commission. There will be no negative effect on KCPL's customers or the general public if the Commission grants this motion and approves the tariff sheets to be effective on and after January 1, 2007.

WHEREFORE, KCPL respectfully requests that the Commission grant the Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days' Notice and approve the tariff sheets KCPL has filed to be effective for service rendered on and after January 1, 2007.

Respectfully submitted,

/s/ Karl Zobrist

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand delivered, emailed or mailed, postage prepaid, this 28th day of December, 2006, to all counsel of record.

/s/ Karl Zobrist _____
Karl Zobrist