

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

In the Matter of Missouri Solar Energy Industries     )  
Association's Informal Complaint for KCP&L's     )     File No. EC-2014-0278  
Failure to Conform to Solar Rebate Process     )

**ANSWER AND MOTION TO DISMISS OF  
KANSAS CITY POWER & LIGHT COMPANY**

Pursuant to the April 11, 2014 *Notice of Contested Case and Order Directing Filing*, Kansas City Power & Light Company ("KCP&L" or "Company"), hereby submits its Answer to the Missouri Public Service Commission ("Commission") in response to Missouri Solar Energy Industries Association ("MOSEIA") in this proceeding.

In support, KCP&L states as follows:

**I. BACKGROUND**

1. On April 10, 2014, MOSEIA submitted an Informal Complaint to the Commission initiating the above-captioned proceeding. MOSEIA alleges that KCP&L has failed to comply with the procedures in an agreement to update the solar program spend chart on KCP&L's website.

2. MOSEIA requests that the Commission order KCP&L to immediately post the updated information regarding the make-up of the queue to its program spend chart on its website and award all such further relief as the Commission deems appropriate.

**II. ANSWER**

3. KCP&L is without sufficient knowledge of the allegations stated in Paragraph 1 and therefore denies same.

4. KCP&L is without sufficient knowledge of the allegations stated in Paragraph 2 and therefore denies same.

5. KCP&L admits the allegations stated in Paragraph 3.
6. KCP&L is without sufficient knowledge of the allegations as stated in Paragraph 4 and therefore denies same.
7. KCP&L admits the allegations stated in Paragraph 5.
8. KCP&L admits that the language quoted in paragraph 6 is contained in the solar rebate process agreement. KCP&L denies all other allegations contained in Paragraph 6.
9. KCP&L admits that the language quoted in paragraph 7 is contained in the solar rebate process agreement. KCP&L denies all other allegations contained in Paragraph 7.
10. KCP&L denies the allegations stated in Paragraph 8. The website and spreadsheet were updated on April 11, 2014 and have been updated weekly since that date.
11. KCP&L is without sufficient knowledge of the allegations stated in Paragraph 9 and therefore denies same.
12. KCP&L is without sufficient knowledge of the allegations stated in Paragraph 10 and therefore denies same.
13. KCP&L admits that MOSEIA members contacted Ms. Riggins and denies the remaining allegations stated in Paragraph 11.
14. KCP&L is without sufficient knowledge of the allegations stated in Paragraph 12 and therefore denies same.
15. The information MOSEIA seeks as outlined in Paragraph 13 was posted on KCP&L's website on April 11, 2014 and has been updated weekly since that date. KCP&L denies the remaining allegations in Paragraph 13.

### **III. AFFIRMATIVE DEFENSES**

1. Except as expressly admitted in this Answer, KCP&L denies each and every other allegation contained in the Complaint. Additionally, KCP&L reserves the right to supplement this pleading to add additional defenses and claims in connection with this Complaint.

2. Complainant fails to state a claim upon which relief can be granted.

### **IV. MOTION TO DISMISS**

The Commission's rules provide that "The commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted." 4 CSR 240-2.070(6). When evaluating such a motion "the petition is reviewed in an almost academic manner, to determine if the facts alleged meet the elements of a recognized cause of action, or of a cause that might be adopted in that case."<sup>1</sup> In other words, the Commission should ask, assuming the allegations are true, whether the complainant would have a right to the relief he seeks. Under this standard, MOSEIA's complaint must fail. Even if each fact Complainant alleges were accurate, it is not entitled to the relief it seeks because the updated information has already been posted to the KCP&L website.

### **V. CONCLUSION**

For the foregoing reasons, KCP&L respectfully requests that the Commission deny Complainant's request for relief. Therefore, Respondent KCP&L requests that the Commission dismiss the Complaint.

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<sup>1</sup> *Richardson v. Richardson*, 218 S.W. 3d. 426, 428 (Mo. 2007).

Respectfully submitted,

*/s/ Roger W. Steiner*

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**Attorney for Kansas City Power & Light Company**

### **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, to all parties of record this 12<sup>th</sup> day of May, 2014.

*/s/ Roger W. Steiner*

Roger W. Steiner