STATE OF MISSOURI PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 14th day of June, 1994.

In the matter of the application of Kansas City	}	
Power & Light Company for approval of the accrual)	
and funding of Wolf Creek Generating Station)	Case No. E0-94-80
decommissioning costs at current levels.)	
	}	

ORDER APPROVING COST ESTIMATES AND FUNDING LEVELS FOR NUCLEAR DECOMMISSIONING COSTS

On September 1, 1993, Kansas City Power & Light Company (KCPL) filed an application for approval of the accrual and funding of Wolf Creek Generating Station decommissioning costs at current levels. On September 14, 1993, the Commission issued an order giving notice to certain individuals and entities, setting an intervention deadline, and giving an opportunity for all parties to address several questions, specifically:

- 1. Whether either the letter or spirit of Section 393.292, R.S.Mo. Cum. Supp. 1992, or 4 CSR 240-20.070(9) and 4 CSR 240-20.070(10) require a hearing when an electric utility is requesting no change to its authorized rates and charges for its nuclear decommissioning trust fund?
- What type of hearing is required, if one is required?
- 3. Whether a waiver is necessary under 4 CSR 240-20.070(9) and 4 CSR 240-20.070(10), where no change to the current funding level is contemplated, and thus, any tariff filed would be identical to the electric utility's current tariff?

KCPL, the Staff of the Missouri Public Service Commission (Staff), and the Office of the Public Counsel (Public Counsel) all filed responses stating their respective positions regarding the questions raised in the Commission's

order of September 14, 1993. KCPL concluded that if no party proposed a change to KCPL's rates, charges, or annual accrual, no hearing would be necessary, while Public Counsel-concluded that unless a party requested a hearing no hearing would be necessary, since by sending notice the Commission allowed proper entities—the opportunity for a hearing, sufficient to satisfy the statutory requirement. Staff, however, concluded that a hearing would be necessary if a party contended that the level or annual accrual of funding should increase even if authorized rates and charges did not, and the utility disagreed with this position. KCPL, Staff, and Public Counsel all agreed that in the event a hearing was necessary, an evidentiary hearing would be required, and that a waiver of the tariff filing requirement would not be necessary since the requirement applies only to situations in which a change in rates is proposed.

No interventions were filed. Pursuant to a motion by Staff, the Commission issued a protective order, consolidated this case with Case No. EO-94-81, a similar case involving Union Electric Company, for purposes of hearing, and set a prehearing conference for both cases. On November 23, 1993, a prehearing conference commenced in this case, along with Case No. EO-94-81. On February 17, 1994, KCPL, Staff, and Public Counsel filed a Unanimous Stipulation And Agreement, with all parties signing.

KCPL is a Missouri corporation, with its principal place of business located at 1201 Walnut Street, Kansas City, Missouri, and is engaged in the generation, transmission, distribution, and sale of electric energy and power in portions of western Missouri and eastern Kansas. It is an electrical corporation and public utility as defined in Section 386.020, R.S.Mo. Supp. 1993, and is subject to the jurisdiction of the Commission pursuant to Chapters 386 and 393, R.S.Mo. 1986, as amended. KCPL co-owns a 47 percent interest in the Wolf Creek Generating Station (Wolf Creek), and 61 percent of that ownership interest is allocated to the Missouri retail jurisdiction.

The application filed by KCPL is intended to comply with the provisions of 4 CSR 240-20.070(9), which require that utilities with decommissioning trust funds perform and file with the Commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating units, along with the funding levels necessary to defray these decommissioning costs, every three years. As part of its application, KCPL filed a decommissioning cost study for the Wolf Creek Generating Station dated August 1993 and prepared by TLG Engineering, Inc. for TLG Services, Inc. of Bridgewater, Connecticut. The study provides a cost estimate of decommissioning costs for Wolf Creek at the expiration of its license in the year 2025, 40 years from the date of issuance, under current regulatory requirements and based upon present-date technology. Included in the study is the cost impact of considerations specific to the Wolf Creek site, as well as a contingency factor, which makes specific provision for unforeseeable elements of cost within the defined project scope. This study addresses three alternative decommissioning options, DECON, SAFSTOR, and ENTOMB. The least expensive alternative is DECON, which the study estimates would have a cost of \$369,789,856 in 1993 dollars.

Based upon the estimate of \$369,789,856, KCPL attached to its application as Schedule A a chart which indicates that, assuming the use of a reasonable cost escalation rate and reasonable trust earnings rate, the continuation of annual accruals at current levels will be adequate. Although the estimate of \$369,789,856 is larger than the 1990 estimate of \$347,000,000 approved in Case No. EO-91-84, KCPL believes it is reasonable to continue the annual accruals at their current level of \$2,303,856, due in part to changes in federal tax laws and corresponding changes in state regulations which permit decommissioning trust funds to achieve higher earnings.

The parties state in the Stipulation And Agreement that all parties stipulate and agree that the cost in 1993 dollars to immediately decommission

Wolf Creek upon the end of its 40-year operating license shall be deemed to be \$369,789,856. The stipulation further provides that the decommissioning cost study of KCPL shall be received into evidence, and KCPL's Missouri retail jurisdiction annual decommissioning expense accrual and trust fund payment shall be \$2,303,856, which is the current payment requirement for the Missouri jurisdictional amount under the Commission's order in Case No. EO-91-84. The stipulation alludes to Schedule A attached to the stipulation for a calculation of this number and the assumptions upon which it is premised, and states that solely for the purposes of the stipulation, Staff and Public Counsel do not object to KCPL's assumptions as to inflation and trust fund earnings.

The Stipulation And Agreement further requires KCPL to take certain actions. KCPL is required to continue its Missouri retail jurisdiction expense accruals and trust fund payments at current levels without a change in its Missouri retail jurisdiction rates; required to continue the current accelerated amortization of certain Wolf Creek fuel-related credits received from Westinghouse Corporation, until all credits are amortized; required to seek an Internal Revenue Service ruling regarding the continuation of its current accrual and funding level if necessary to receive the maximum tax benefits associated with its decommissioning costs; and required to file or to have its trustee file on a prospective basis in the instant docket one copy of the quarterly reports required by 4 CSR 240-20.070(5) and one copy of the annual reports required by 4 CSR 240-20.070(6). Finally, the stipulation requests that the Commission's order specifically recognize that KCPL's decommissioning costs are included in its current cost of service and are reflected in its current rates for ratemaking purposes.

The Commission, after considering the aforesaid Stipulation And Agreement and Schedule A thereto, as well as the decommissioning cost study filed by KCPL, determines that this Stipulation And Agreement is just and reasonable

as to the continuation of Missouri retail jurisdiction expense accruals and nuclear decommissioning trust fund payments at current levels without a change in Missouri retail jurisdiction rates, as well as all other agreed-upon terms and conditions specified therein, as previously set out herein.

The Commission is also aware of its prior rulemaking in Case No. EX-93-304, which amended the Commission's rule on decommissioning trust funds, 4 CSR 240-20.070. In that proceeding the Commission became aware of the lifting of federal investment restrictions on decommissioning trust funds and favorable changes to federal tax law relating thereto, and partly in response to these changes amended its rule to allow investment in taxable bonds and equity securities and increased the limit on equity investments from 40 percent to 65 percent, which permits greater investment flexibility and greater asset portfolio diversification, with the potential for higher after-tax returns on investments for nuclear decommissioning trusts. The opportunity for greater flexibility and diversification and potential for higher after-tax returns on investments was one of the factors considered in the calculations made by KCPL which indicated that a continuation of annual accruals at current levels would be adequate even though the 1993 decommissioning cost estimate had increased over the 1990 estimate.

In restating portions of the Stipulation And Agreement, the Commission is not changing the language and terms of the stipulation, but adopts it in full as resolving all issues that were set out therein. The Commission in adopting the stipulation is satisfied that the negotiated settlement represents a reasoned and fair resolution of the issues in this case and that it would be in the interest of all parties for the Commission to adopt the stipulation.

Given the responses to the Commission's questions in its order of September 14, 1993, and given that no applications to intervene were filed and no other party requested a hearing, the Commission is of the opinion that a hear-

ing is not necessary. See, e.g., State ex rel. Rex Deffenderfer Enterprises,

Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

Pursuant to Section 536.060, R.S.Mo. 1986, the Commission may approve a stipulation and agreement concluded among the parties as to any issues in a contested case. The standard for Commission approval of a stipulation and agreement is whether it is just and reasonable. The Commission, in accordance with its statutory power, has determined that the Stipulation And Agreement which settles all issues raised in this case is just and reasonable and appropriate and therefore should be approved in full.

Based upon the Commission's findings of fact in this case and conclusions of law, the Commission determines that the cost in 1993 dollars to immediately decommission Wolf Creek at the end of its 40-year operating license shall be deemed to be \$369,789,856; that KCPL's Missouri retail jurisdiction annual decommissioning expense accruals and trust fund payments shall continue at the current level of \$2,303,856; and that these decommissioning costs are included in KCPL's current cost of service and are reflected in its current rates for ratemaking purposes.

IT IS THEREFORE ORDERED:

- 1. That the Missouri Public Service Commission hereby approves and adopts the Stipulation And Agreement filed on February 17, 1994, and agreed to and signed by Kansas City Power & Light Company, the Staff of the Missouri Public Service Commission, and the Office of the Public Counsel, which is incorporated herein by reference and attached hereto as Attachment 1.
- 2. That the Stipulation And Agreement shall be received into evidence as Exhibit No. 1, and the decommissioning cost study filed by Kansas City Power & Light Company shall be received into evidence as Exhibit No. 2.

3. That pursuant to the Stipulation And Agreement, the cost in 1993 dollars to immediately decommission the Wolf Creek Generating Station at the

end of its farty (40) year operating license shall be deemed to be \$369,789,856.

4. That pursuant to the Stipulation And Agreement, Kansas City Power & Light Company's Missouri retail jurisdiction annual decommissioning expense accruals and trust fund payments shall continue at the current level of \$2,303,856.

5. That the current decommissioning costs for the Wolf Creek Generating Station are included in Kansas City Power & Light Company's current cost of service and are reflected in its current rates for ratemaking purposes.

6. That Kansas City Power & Light Company or its trustee is directed to file on a prospective basis in Case No. EO-94-80 one (1) copy of the quarterly reports required by 4 CSR 240-20.070(5) and one (1) copy of the annual reports required by 4 CSR 240-20.070(6).

7. That this order shall become effective on the 24th day of June, 1994.

BY THE COMMISSION

David L. Rauch Executive Secretary

(S E A L)

McClure, Perkins and Kincheloe, CC., concur.
Mueller, Chm., and Crumpton, C., absent.

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

FILED

FEB 17 1991

PUBLIC SERVICE COMMISSION

In the Matter of the Application of Kansas City Power & Light Company for Approval of the Accrual and Funding of Wolf Creek Generating Station Decommissioning Costs at Current Levels.

Case No. EO-94-80

UNANIMOUS STIPULATION AND AGREEMENT

COMES NOW Kansas City Power & Light Company (KCPL), the Staff of the Missouri Public Service Commission (Staff), and the Office of the Public Counsel (Public Counsel), and state the following in resolution of Case No. EO-94-80.

Section 393.292 RSMo. Cum. Supp. 1993 states that the Commission, pursuant to regulations, may authorize changes to the rates and charges of an electrical corporation as a result of a change in the level or annual accrual of funding necessary for its nuclear power plant decommissioning trust fund. 4 CSR 240-20.070(9) requires that on or before September 1, 1990 and every three (3) years thereafter, utilities with decommissioning trust funds shall file cost studies with the Commission detailing their latest cost estimates for decommissioning, along with funding levels necessary to defray these costs.

On September 1, 1993, pursuant to 4 CSR 240-20.070, KCPL filed an Application for approval of the accrual and funding of Wolf Creek Generating Station (Wolf Creek) decommissioning costs at current levels. Accompanying KCPL's Application was a cost study detailing its latest cost estimate for decommissioning Wolf Creek. Also accompanying the Application, as Schedule A, was an analysis of the Wolf Creek decommissioning trust

for the Missouri in institution. Based on this analysis, KCPL concluded that its current funding level should result in a final decommissioning trust amount which is sufficient to cover the costs estimated in KCPL's decommissioning cost study under what KCPL believes are a reasonable set of economic, financial, and investment assumptions. Consequently, KCPL did not seek any changes to its funding level, and asked the Commission to approve the current amount.

On September 14, the Commission issued an Order and Notice setting a deadline for intervention, and posing several questions to be addressed by interested parties. Those questions were as follows: (1) whether the above mentioned statute and Commission rule required a hearing when an electric utility was requesting no change to its authorized rates and charges for its decommissioning trust fund; (2) if a hearing is required, what type is required; and (3) whether a waiver is necessary under the Commission's rule for filing tariffs where no change to the current funding level is contemplated, and thus, any tariff filed would be identical to the utility's current tariff.

On October 14, KCPL and Staff filed responses to the questions posed by the Commission. On October 18, Public Counsel filed its responses along with a Motion to Late-File Response. In part, all three parties responded that neither the statute nor the Commission's rule required a hearing where no party requested a change to the utility's authorized rates. Further, all three responded that the Commission's rule did not require a waiver of the requirement to file new tariffs when the utility was not requesting any changes in rates. No other party filed a response to the Commission's questions, or moved to intervene in this proceeding.

Also on October 14, Staff filed a Motion to consolidate this proceeding with the proceeding to approve a decommissioning cost estimate and trust funding level for Union Electric Company (UE) with respect to its Callaway nuclear plant (Callaway) (Case No. EO-94-81). Staff sought to consolidate Case Nos. EO-94-80 and EO-94-81 for several reasons. Neither KCPL nor UE sought changes in their authorized rates and charges to their decommissioning trust funding levels. Both Wolf Creek and Callaway have the same architect/engineer, nuclear steam supply system (NSSS), and turbine-generator manufacturer. Both KCPL and UE retained the same consulting firm, LaGuardia and Associates/TLG Engineering, Inc., to perform the updates to their 1990 decommissioning cost studies. Staff believed that Case Nos. EO-94-80 and EO-94-81 involved related questions of law and fact. On November 5, the Commission issued an Order which consolidated the two cases, adopted a Protective Order, and scheduled a Prehearing Conference.

On November 23, a Prehearing Conference occurred. During the course of that Prehearing Conference and thereafter, certain agreements were reached. Consequently, KCPL, Staff, and Public Counsel stipulate and agree as follows:

- 1. The cost in 1993 dollars to immediately decommission Wolf Creek, upon the end of its operating license (40 years of service), shall be deemed to be \$369,789,856.
- 2. KCPL's Missouri retail jurisdiction annual decommissioning expense accrual and trust fund payment shall be \$2,303,856.¹ (See Attachment A to this Unanimous Stipulation

¹As a result of the Commission's Report and Order in Case No. EO-91-84, KCPL's annual trust fund payment requirement currently is \$2,303.856 (Missouri jurisdictional amount).

and Agreement for the calculation of this number and the assumptions on which it is premised. Payments to the trustee of the external trust fund are made on a quarterly basis in the month following the end of the quarter to which the payment applies.) Solely for purposes of the instant Unanimous Stipulation and Agreement, the Staff and Public Counsel do not object-to KCPL's assumptions as to inflation and trust fund earnings.

- 3. KCPL shall continue its Missouri retail jurisdiction expense accruals and trust fund payments at current levels without a change in its Missouri retail jurisdiction rates. KCPL also shall continue the current accelerated amortization of certain Wolf Creek fuel-related credits received from Westinghouse Corporation. The accelerated amortization shall continue until all the credits are amortized.
- 4. In order for KCPL to receive the maximum tax benefits associated with its decommissioning costs, KCPL shall seek, if required, an Internal Revenue Service (IRS) ruling regarding continuing its current accrual and funding level. The parties to this Unanimous Stipulation and Agreement agree that such decommissioning costs are included in KCPL's current cost of service and are reflected in its current rates for ratemaking purposes and request that this be specifically recognized in the Commission's Report and Order.
- 5. KCPL or its trustee shall file on a prospective basis in the instant docket one copy of the quarterly reports required by 4 CSR 240-20.070(5) and one copy of the annual reports required by 4 CSR 240-20.070(6).
- 6. None of the parties to this Unanimous Stipulation and Agreement shall be deemed to have approved or acquiesced in any question of Commission authority,

decommissioning methodology, ratemaking principle, valuation methodology, cost of service methodology or determination, depreciation principle or method, rate design methodology, cost allocation, cost recovery, or prudence, that may underlie this Unanimous Stipulation and Agreement, or for which provision is made in this Unanimous Stipulation and Agreement.

- 7. The Staff may provide to the Commission an explanation of its rationale for entering into this Unanimous Stipulation and Agreement and provide the Commission with whatever further explanation the Commission requests. The Staff's explanation shall not become a part of the record of this proceeding and shall not bind or prejudice the Staff in any future proceeding or in this proceeding in the event the Commission does not approve the Unanimous Stipulation and Agreement. It is understood by the signatories hereto that any rationales advanced by the Staff are its own and are not acquiesced in or otherwise adopted by KCPL or any other party hereto.
- 8. This Unanimous Stipulation and Agreement represents a negotiated settlement for the sole purpose of addressing the authority requested by the Application of KCPL. Except as specified herein, the parties to this Unanimous Stipulation and Agreement shall not be prejudiced, bound by, or in any way affected by the terms of this Unanimous Stipulation and Agreement: (a) in any future proceeding; (b) in any proceeding currently pending under a separate docket; and/or (c) in this proceeding should the Commission decide not to approve the instant Unanimous Stipulation and Agreement in the instant proceeding, or in any way condition its approval of same.
 - 9. The decommissioning cost study of KCPL shall be received into evidence.

10. The previsions of this Unanimous Stipulation and Agreement have resulted from extensive negotiations among the signatory parties and are interdependent. In the event that the Commission does not approve and adopt the terms of this Unanimous Stipulation and Agreement in total, it shall be void and no party hereto shall be bound by, prejudiced, or in any way affected by any of the agreements or provisions hereof unless otherwise provided herein.

11. In the event the Commission accepts the specific terms of this Unanimous Stipulation and Agreement, the signatories waive their respective rights to cross-examine witnesses; their respective rights to present oral argument and written briefs pursuant to Section 536.080.1 RSMo 1986; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2 RSMo 1986; and their respective rights to judicial review pursuant to Section 386.510 RSMo 1986. This waiver applies only to a Commission Report and Order issued in this proceeding, and does not apply to any matters raised in any subsequent Commission proceeding, or any matters not explicitly addressed by this Unanimous Stipulation and Agreement.

WHEREFORE, the signatories hereto request that the Commission (1) approve the instant Stipulation And Agreement, (2) specifically recognize in its Report And Order that Kansas City Power& Light Company's current decommissioning costs are included in its current cost of service and are reflected in its current rates for ratemaking purposes, and (3) direct that Kansas City Power & Light Company or its trustee file on a prospective basis

in Case No. EO-94-80 one copy of the quarterly reports required by 4 CSR 240-20.070(5) and one copy of the annual reports required by 4 CSR 240-20.070(6).

Respectfully submitted,

William G. Riggins 3,5D

Kansas City Power & Light Company P.O. Box 418679 Kansas City, MO 64141-9679 816-556-2645

Lewis R. Mills, Jr.

Office of the Public Counsel P.O. Box 7800 Jefferson City, MO 65102 314-751-4857 Steven Dottheim

Staff of the Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102 314-751-7489

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all parties of record this 17th day of February, 1994. Counsel for all parties of record are those individuals shown above.

Steven Star

FILE: DATE:

DT-NEWT1 31-Aug-93 08:55 AM KANSAS CITY POWER & LIGHT COMPANY
WOLF GREEK DECOMMISSIONING TRUST ANALYSIS MISSOURI JURISDICTION - QUALIFIED TAXABLE TRUST

1985 MPSC DECOM COST EST: \$103,330,000 1988 TLG DECOM COST EST: \$223,889,900 1990 MPSC DECOM COST EST: \$347,000,000

\$369,789,856

MPSC COST ESCALATION RATE: KCPL SHARE: STATE ALLOCATION FACTOR:

100%

4.50% 47.00% 61.487%

7.66%

1993 TLG DECOM COST EST:

MUNICPL BONDS:

GOVT BONDS: CORP BONDS: CORP EQUITIES:

EARNINGS WEIGHTED AFTER FEES TAX AFTER-TAX INVESTMENT EARNINGS 0.23% RATE EARNINGS MIX AFTER-TAX -----7.15% 6.92% 6.65% 6.46% 55% 3.55% 8.34% 8.11% 20.00% 6.45% 5% 0.32% 8.91% 8.68% 25.07% 6.50% 0% 0.00% 12.86% 12.63% 25.07% 9.46% 40% 3.78%

TOTAL KCPL EARNINGS TRUST FUND AFTER FEES FXPENDITURE & TAXES KCPL WOLF CREEK MISSOURI TRUST FUND TRUST FUND YEAR DECOM COST DECOM COST DECOM COST ACCRUAL EXPENDITURE BALANCE ------..... 107,979,850 50,750,530 112,838,943 53,034,303 1986 325,949 1987 1,142,636 223,889,900 105,228,253 233,964,946 109,963,524 10RR 2,002,426 1989 2,936,750 163,090,000 170,429,050 1990 347,000,000 3,932,760 1991 362,615,000 5,064,526 1992 178,098,357 173,801,232 378,932,675 6,868,704 369,789,856 1993 9,529,426 1994 386,430,400 181,622,288 12,611,183 1995 403,819,767 189,795,291 15,955,496 198,336,079 207,261,202 216,587,956 1996 421,991,657 19,569,915 1997 440,981,282 23,461,228 1998 460,825,439 27,650,645 1999 481,562,584 226,334,414 32,161,005 236,519,463 247,162,839 258,285,167 269,907,999 2000 503,232,900 37,016,894 2001 42,244,783 47,873,168 53,932,733 525,878,381 2002 549,542,908 574,272,339 2003 282,053,859 294,746,283 308,009,866 600,114,594 627,119,751 2004 60,456,508 2005 67,480,055 655,340,140 2006 75,041,662 2007 684,830,446 321,870,310 83,182,547 715,647,816 747,851,968 2008 336,354,473 91,947,088 2009 351,490,425 101,383,062 367,307,494 2010 781,505,306 111,541,906 2011 816,673,045 383,836,331 122,478,997 401,108,966 419,158,870 2012 853,423,332 891,827,382 134,253,956 2013 146,930,969 2014 931,959,614 438,021,019 160,579,142 973,897,797 2015 457,731,964 175,272,872 2016 1,017,723,198 2017 1,063,520,742 478,329,903 499,854,749 191,092,257 208, 123, 532 522,348,212 545,853,882 570,417,306 2018 1,111,379,175 226,459,536 2019 1,161,391,238 246,200,223 2020 1,213,653,843 267,453,202 2021 1,268,268,266 596,086,085 290,334,327 2022 1,325,340,338 2023 1,384,980,654 2024 1,447,304,783 622,909,959 314,968,326 650,940,907 341,489,484 2,303,856 680,233,248 710,843,744 26,249,031 27,955,459 370,042,371 387,745,594 2,303,856 U 2,303,856 (12,556,092) 0 (19,889,567) 0 (48,687,996) 0 (96,737,894) 0 (97,337,838) 2025 1,512,433,498 437,076,493 2026 1,535,089,474 721,492,053 28,942,518 443,623,819 396,798,545 2027 1,532,246,717 720,155,957 442,802,293 28,532,952 376,643,501 2028 1,425,139,308 669,815,475 411,849,441 25,148,417 305,054,024 2029 1,139,460,950 535,546,647 329,291,567 19,641,119 227,357,304 242,391,646 147,406,633 0 (101,332,668) 0 (76,815,072) 0 (50,845,864) 0 (23,953,821) 13,535,920 7,749,118 3,452,845 2030 838,757,635 394,216,088 239,736,257 139,560,557 2031 510,077,143 70,494,603 119,973,621 38,957,537 73,768,181 23,953,821 2032 255,263,024 23,101,584 2033 62.888.377 852,238