

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the 2013 KCP&L Greater Missouri)
Operations Company Annual IRP Update Report) Case No. EO-2013-0538

REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION AND REHEARING

Sierra Club, the Office of the Public Counsel, Dogwood Energy, LLC, and Natural Resources Defense Council (collectively “Stakeholders”) respectfully submit this reply in support of their motion for reconsideration and/or rehearing in this proceeding. As Stakeholders explained in their motion, reconsideration and/or rehearing is appropriate here because GMO has failed to address the unresolved deficiencies that Stakeholders raised in last year’s integrated resource plan (“IRP”) triennial compliance filing, Case No. EO-2012-0324, despite the Commission having directed the company (in its December 19, 2012 order in that docket) to do so in this year’s annual update filing. The Commission has ample authority to take action on GMO’s annual update filing under Sections 386.250 and 393.140 RSMo and 4 CSR 240-22.080(16), as Stakeholders explained in more detail in their motion.

GMO’s response to Stakeholders’ motion emphasizes that the Commission’s IRP rules do not provide a right to a hearing. This argument misses the mark; Stakeholders do not contend here that there is *a right* to a hearing. Rather, Stakeholders contend that the Commission *should* hold a hearing. The Commission should exercise its authority to require hearings, either in this docket or in Case No. EO-2012-0324, because Stakeholders have raised numerous deficiencies both with last year’s triennial compliance filing and this year’s annual update filing that have not been resolved and that the Commission should review to determine whether GMO has complied with the IRP rules.

GMO's dismissal of the deficiencies raised by Stakeholders as "highly technical" also misses the mark. The deficiencies raised by Stakeholders go to the heart of the company's resource planning, in particular whether the company has complied with 4 CSR 240-22.010(2) in justifying not selecting a resource plan that minimizes the net present value of long-run utility costs. Evaluating why the company did not choose the least-cost plan for its ratepayers necessarily involves review of the technical underpinnings of GMO's IRP modeling and analysis, and Stakeholders invested significant resources over the last several years to engage in this legal and technical review. If the Commission declines to grant reconsideration or rehearing in this proceeding or to hold a hearing in Case No. EO-2012-0324, this would severely undermine the role of stakeholder participation in the IRP process.

As Stakeholders explained in their motion, the Commission's decision here will also help determine whether, in the future, parties will be able to consider deferring litigation over deficiencies they have identified with a utility's triennial compliance filing through an agreement that the utility can try to address the issues in its next annual update filing, as the parties did in Case No. EO-2012-0324. By failing to hold a hearing or otherwise take action on an annual update filing, the Commission will effectively tell Stakeholders and others that such agreements will not be enforced. In turn, such a decision will significantly alter the flexibility of the process and make it more difficult for parties in the future to resolve deficiencies in a collaborative manner.

For the reasons set forth above, and in their motion for reconsideration and rehearing, Stakeholders respectfully request that the Commission either reconsider its October 9, 2013 order in, and hold a hearing in, this matter, or re-open Case No. EO-2012-0324 and hold a

hearing in that proceeding to resolve remaining issues with GMO's 2012 IRP as supplemented by its 2013 annual update.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

Carl J. Lumley, #32869
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
(314) 725-8788
(314) 725-8789 (Fax)
clumley@lawfirmemail.com

Attorneys for Dogwood Energy, LLC

Thomas Cmar
Earthjustice
5042 N. Leavitt St., Ste. 1
Chicago, IL 60625
(312) 257-9338
tcmar@earthjustice.org

Attorneys for Sierra Club

/s/ Henry B. Robertson

Henry B. Robertson 29502
Great Rivers Environmental Law Center
705 Olive Street, Suite 614
St. Louis, Missouri 63101
(314) 231-4181
(314) 231-4184
hrobertson@greatriverslaw.org

Attorneys for Sierra Club and NRDC

Kimiko Narita
Natural Resources Defense Council
1314 2nd Street
Santa Monica, CA 90401
(310) 434-2317
knarita@nrdc.org

Attorneys for NRDC

OFFICE OF THE PUBLIC COUNSEL

/s/ Lewis R. Mills, Jr.

By: _____

Lewis R. Mills, Jr. (#35275)

Public Counsel

P O Box 2230

Jefferson City, MO 65102

(573) 751-4857

(573) 751-5562 FAX

lewis.mills@ded.mo.gov

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was either mailed, faxed, or emailed this 12th day of November 2013, to the persons listed on the below service list.

/s/ Carl J. Lumley

Missouri Public Service Commission
General Counsel Office
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102
Staffcounselservice@psc.mo.gov

Office of the Public Counsel
Lewis Mills
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102
opcservice@ded.mo.gov

Brubaker & Associates, Inc.
Maurice Brubaker
P.O. Box 412000
St. Louis, MO 63141-2000
mbrubaker@consultbai.com

Brubaker & Associates, Inc.
Greg Meyer
P.O. Box 412000
St. Louis, MO 63141-2000
gmeyer@consultbai.com

Kansas City Power & Light Company
Don Frerking
P.O. Box 418679
Kansas City, MO 64141-9679
Don.frerking@kcpl.com

KCP&L Greater Missouri Operations Company
James Fischer
101 Madison Street, Suite 400
Jefferson City, MO 35101
jfischerpc@aol.com

Kansas City Power & Light Company
Lois Liechti
P.O. Box 418679
Kansas City, MO 64141-9679
lois.liechti@kcpl.com

Kansas City Power & Light Company
Marisol Miller
P.O. Box 418679
Kansas City, MO 64141-9679
marisol.miller@kcpl.com

Kimiko Narita
1314 Second Street
Santa Monica, CA 90401
knarita@nrdc.org

Kansas City Power & Light Company
Tim Rush
P.O. Box 418679
Kansas City, MO 64141-9679
tim.rush@kcpl.com

Kansas City Power & Light Company
Roger Steiner
P.O. Box 418679
Kansas City, MO 64141-9679
roger.steiner@kcpl.com

Missouri Department of Natural Resources
Jessica Blome
P.O. Box 899
221 W. High Street
Jefferson City, MO 65102
Jessica.Blome@ago.mo.gov

Missouri Industrial Energy Consumers
(MIEC)
Diana M. Vuylsteke
211 N. Broadway, Suite 3600
St. Louis, MO 63102
dnvuylsteke@bryancave.com

Missouri Public Service Commission
Steve Dottheim
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102
Steve.Dottheim@psc.mo.gov

Henry B. Robertson
705 Olive Street, Suite 614
St. Louis, MO 63101
hrobertson@greatriverslaw.org

Renew Missouri
Andrew J. Linhares
910 E. Broadway, Suite 205
Columbia, MO 65201
Andrew@renewmo.org

Sierra Club
Thomas Cmar
5042 N. Leavitt St., Suite 1
Chicago, IL 60625
tcnar@earthjustice.org

Sierra Club
Shannon Fisk
1617 John F. Kennedy Blvd., Suite 1675
Philadelphia, PA 19103
sfisk@earthjustice.org