

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

In the Matter of the Application of Kansas City)	
Power & Light Company for Approval to Make)	
Certain Changes in its Charges for Electric)	Case No. ER-2007-0291
Service to Implement Its Regulatory Plan)	

**CONTINUED OBJECTION OF TRIGEN-KANSAS CITY ENERGY
CORPORATION TO KCPL TARIFFS FILED PURPORTEDLY IN
COMPLIANCE WITH THE COMMISSION’S REPORT AND ORDER
ISSUED ON DECEMBER 6, 2007**

Comes Now Trigen-Kansas City Energy Corporation (“Trigen”), by and through the undersigned counsel, and for its Continued Objection to the tariffs filed herein by KCPL purportedly in compliance with the Commission’s Report and Order issued on December 6, 2007 (the “Report and Order”), respectfully states as follows:

1. Through the process of filing multiple sets of substitute tariffs on the day that other parties, such as Trigen, were to file objections and Staff was to file its Recommendation regarding the KCPL “compliance” tariffs, KCPL appears to have corrected some – but not all – of the deficiencies in their compliance tariff filing noted by Trigen in its objections and revised objections to those tariffs previously filed herein.

2. As stated by Trigen in its objections and revised objections to KCPL’s compliance tariffs, in the Commission’s Report and Order, on page 82 under its discussion of issue 13c, the Commission ordered as follows:

The availability of KCPL’s general service all-electric tariffs and separately-metered space heating rates should be restricted to those qualifying customers’ commercial and industrial physical locations being served under such all-electric tariffs or separately metered space heating rates **as of the date used for the billing determinants used in this case,**

and such rates should only be available to such customers for so long as they continuously remain on that rate schedule (i.e., the all-electric or separately metered space heating rate schedule they are on as of such date). (Emphasis added)

3. As set forth above in paragraph 2, the Report and Order stated that: “The availability of KCPL’s general service all-electric tariffs and separately-metered space heating rates should be restricted to those qualifying customers’ commercial and industrial physical locations being served under such all-electric tariffs or separately metered space heating rates **as of the date used for the billing determinants used in this case. . . .**” (Emphasis added) However, nowhere in KCPL’s purported “compliance” tariffs does this date – or any other date of restriction – appear.

4. Trigen recognizes that on December 12, 2007, Staff filed a Request for Clarification of the “Date of Effectiveness of Decision Regarding Issue 13c” and other matters. In Staff’s Request for Clarification, Staff states that the date used for the billing determinants¹ used in this case was September 30, 2007. Therefore, to comply with the Commission’s Report and Order, the date as of which **both** the separately metered space heating rates and the all-electric tariffs should be restricted would be **September 30, 2007**. However, in its Request for Clarification, Staff seems to request that the Commission adopt **January 1, 2008**, as the date as of which the separately metered space heating rates and the all-electric tariffs be restricted as otherwise provided in the decision regarding issue 13c. In either event, **a specific date – no later than January 1, 2008 – needs to be set forth in the tariff language in order to comply with the Commission’s Report and Order and eliminate possible confusion in the future.**

¹ Or “billing units” in Staff’s Request for Clarification.

5. In their third substitute tariff filing on December 18, the last paragraph under the Availability section of each of the Small General Service (Schedule SGS, Sheet No. 9), Medium General Service (Schedule MGS, Sheet No. 10), and Large General Service (Schedule LGS, Sheet No. 11) tariffs filed by KCPL states as follows:

The Separately Metered Space Heat rate of this schedule is available only to Customers' physical locations currently taking service under such Separately Metered Space Heat rate and who are served under such rate continuously thereafter.

This did not fix the problem with the date of implementation as discussed in Trigen's previously filed objections. To remedy this problem, the above-referenced paragraph in each Schedule listed above in this paragraph 5 should be revised to read as follows:

The Separately Metered Space Heat rate of this schedule is available only to Customers' physical locations taking service under such Separately Metered Space Heat rate as of September 30, 2007², and who are served under such rate continuously thereafter.

6. Similarly, in their third substitute tariff filing on December 18, the first paragraph under the Availability section of each of the Small General Service-All Electric(Frozen) (Schedule SGA, Sheet No. 17), Medium General Service-All Electric(Frozen) (Schedule MGA, Sheet No. 18), and Large General Service-All Electric(Frozen) (Schedule LGA, Sheet No. 19) tariffs filed by KCPL states as follows:

This Schedule is available only to Customers' physical locations currently taking service under this Schedule and who are served hereunder continuously thereafter.

As with the above, this did not fix the problem with the date of implementation as discussed in Trigen's previously filed objections. To remedy this problem, the above-

² If the Commission grants Staff's Request for Clarification that the date used should be January 1, 2008, the Commission should simply order that the date used in the tariffs be January 1, 2008.

referenced paragraph in each Schedule listed above in this paragraph 6 should be revised to read as follows:

This Schedule is available only to Customers' physical locations taking service under this Schedule as of September 30, 2007³, and who are served hereunder continuously thereafter.

WHEREFORE, Trigen-Kansas City Energy Corporation continues to respectfully request an order from the Commission (A) finding that the Small General Service (Schedule SGS, Sheet No. 9), Medium General Service (Schedule MGS, Sheet No. 10), Large General Service (Schedule LGS, Sheet No. 11), Small General Service-All Electric(Frozen) (Schedule SGA, Sheet No. 17), Medium General Service-All Electric(Frozen) (Schedule MGA, Sheet No. 18), and Large General Service-All Electric(Frozen) (Schedule LGA, Sheet No. 19) tariff sheets filed herein by KCPL are not in compliance with the Commission's Report and Order for the reasons set forth above, (B) rejecting said tariff sheets for the reasons set forth above, and (C) ordering KCPL to file new sheets with the revised language as set forth in paragraphs 5 and 6 above.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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³ See footnote 2 above.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was sent to counsel for parties of record by depositing same in the U.S. Mail, first class postage prepaid, by hand-delivery, or by electronic mail transmission, this 19th day of December, 2007.

/s/ Jeffrey A. Keevil
