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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 31st
day of January, 1995.

In the matter of certain tariff revisions)
of Kansas City Power & Light Company of) CASE NO. ET-95-220
of Kansas City, Missouri.)

ORDER STRIKING MOTION TO SUSPEND AND APPROVING TARIFF

On October 5, 1994, Kansas City Power & Light Company (KCPL or company) submitted to the Commission a tariff bearing an effective date of November 5, 1994, designed to modify the language contained in paragraph 8.01 BILLING PERIOD of the company's Rules & Regulations. The company wishes to clarify its practice of prorating customer bills that fall outside the normal 26 to 35 day billing period. On November 1, 1994 and again on November 8, the company extended the effective date of the tariff by letter. On December 27, 1994, the company submitted a substitute sheet to modify the proposed language and extend the effective date to February 1, 1995. Governmental Technical Utilities Auditors, Inc. (GTUA) filed a motion on January 26, 1995, asking the Commission to suspend KCPL's proposed tariff. This docket was established to consider that motion. The company formally filed its proposed tariff in this docket on January 26, 1995.

GTUA's motion did not include a certificate of service indicating that the company and the Office of the Public Counsel (OPC) had been served with a copy. In the text of its motion GTUA objected to the proposed tariff on the grounds that: (a) the proposed modifications could

result in one ratepayer being charged more than another for the same service in violation of § 393.130(2); and (b) the revisions would create billing charges directly contrary to existing Commission approved rate schedules (Schedules GS, GL, GA, PL, and PL1).

KCPL filed a Motion to Reject or Strike on January 30, 1995, arguing that GTUA's motion to suspend was filed by one not a party and could not be construed as a motion to intervene. KCPL alleged that, were the motion interpreted to include a request for intervention, it failed to meet the requirements for intervention set out in Commission Rule 4 CSR 240-2.110. Finally, KCPL argued that the motion had not been served on the company in violation of Rule 4 CSR 240-2.080. KCPL requested that the Commission reject or strike GTUA's motion to suspend.

The Staff of the Missouri Public Service Commission (Staff) reviewed the proposed tariff sheet and substitute sheet and met with representatives of GTUA regarding their objections to the modifications. Staff's position is that the Commission should approve the tariff as filed on January 26, 1995. Staff stated that the current tariff language is ambiguous and the proposed modifications more accurately reflect the company's practice of prorating initial and final customer bills as well as bills that fall outside the normal billing period. Staff stated that the proration engaged in by KCPL is normal practice among Commission regulated electric utilities.

Having considered the company's proposed tariff, the pleadings filed, and Staff's position, the Commission finds that GTUA's motion was not served on the company pursuant to Commission rules. It is impossible for a party to defend its interests without notice and an opportunity to be heard. Compliance with the service provisions of the Commission's rules is essential to fairness in Commission proceedings. GTUA's motion is thus

not in substantial compliance with agency rules and should be stricken. The Commission is of the opinion that the company's proposed tariff is reasonable. Proration is a reasonable way to determine charges where an actual reading is not possible. The proposed tariff filed on January 26, 1995, should be approved to become effective on February 1, 1995.

IT IS THEREFORE ORDERED:

1. That the Motion for an Order Suspending Tariffs of Kansas City Power & Light Company of Kansas City, Missouri, filed on January 26, 1995, by Governmental Technical Utilities Auditors, Inc. be stricken for insufficiency of service of process.

2. That the tariff sheet filed by Kansas City Power & Light Company on January 26, 1995, be approved to become effective on February 1, 1995. The tariff sheet approved is:

P.S.C. Mo. No. 2
Sixth Revised Sheet No. 1.26, cancelling Fifth Revised Sheet No. 1.26.

3. That this order shall become effective on February 1, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
Kinchelce and Crumpton, CC., Concur.