

**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	)	<b><u>Case No. ER-2007-0291</u></b>
Certain Changes in its Charges for Electric	)	
Service to Implement its Regulatory Plan	)	

**RESPONSE TO MOTION FOR EXPEDITED CONSIDERATION AND  
APPROVAL OF TARIFF SHEETS FILED IN COMPLIANCE WITH  
COMMISSION ORDER ON LESS THAN THIRTY DAYS' NOTICE**

COMES NOW the Office of the Public Counsel and for its Response to Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days' Notice states as follows:

1. On December 6, 2007<sup>1</sup> the Commission issued its Report and Order, in which it, *inter alia*, rejected the tariff sheets requesting a general rate increase that the Kansas City Power and Light Company filed on February 1. The Commission also authorized KCPL to file new tariff sheets that would produce a very substantial increase, albeit somewhat less than KCPL originally requested.

2. On December 13, KCPL filed tariff sheets that it alleges comply with the Commission's Report and Order. Along with the tariff sheets, KCPL filed a motion for expedited treatment in which it argues that the Commission will violate Section 393.150 RSMo 2000 if it does not "approve[] the revised tariff sheets filed by KCPL to be effective on January 1, 2008." KCPL does not state that all parties concur with its motion for expedited treatment, and does not even state that it contacted other parties concerning that motion. Public Counsel does not concur in the analysis and legal conclusions

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<sup>1</sup> Unless otherwise noted, all dates refer to calendar year 2007.

contained in KCPL's motion and so opposes the motion. KCPL filed tariffs on February 1, and the Commission acted within the statutorily-mandated time by rejecting those tariff sheets on December 6. KCPL filed a different set of tariff sheets on December 13. The Commission is not required by Section 393.150 to act on those new tariffs within a matter of days in order to make them effective on January 1, 2008. The Commission is allowed by law – indeed required by law – to take the time it needs (up to eleven months) to determine that the new tariffs are just and reasonable and that they comply with the Report and Order, and to afford the parties due process to provide input on whether the new tariffs are just and reasonable and that they comply with the Report and Order.

3. Furthermore, KCPL's request for expedited treatment does not comply with 4 CSR 240-2.080(16), the Commission's rule on requests for expedited treatment. KCPL attempts to comply with one of the requirements of 4 CSR-240-2.080(16) by including the statement: "There will be no negative effect on KCPL's customers or the general public if the Commission grants this motion and approves the tariff sheets to be effective on and after January 1, 2008." The statement is required by the Commission's rule, but in this case it is patently false. If the Commission grants KCPL's motion and approves the proposed tariffs for service on and after January 1, 2007 rather than for service on and after January 12, 2007 (which is the effective date of the tariffs), KCPL's customers will be paying higher rates sooner than if the motion is not granted. This is a negative effect on KCPL's customers, although clearly a benefit to KCPL's shareholders.

WHEREFORE, Public Counsel respectfully requests that the Commission deny KCPL's Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days' Notice.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:\_\_\_\_\_

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to all parties this 19<sup>th</sup> day of December 2007.

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**/s/ Lewis R. Mills, Jr.**

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