

At a session of the Public Service Commission held at its office in Jefferson City on the 15<sup>th</sup> day of August, 2012.

## ORDER RESOLVING ANNUAL FUEL ADJUSTMENT CLAUSE TRUE-UP

Effective Date: August 24, 2012

In its recommendation filed on August 1, 2012, Staff agrees with GMO that the true-up amounts for Recovery Period 7 (March 1, 2011 through February 29, 2012) are over-collections of \$81,390 from customers in the company's MPS rate district and \$16,678 in the company's L&P rate district. The over-recovered amounts for the MPS and L&P rate districts are included in the GMO's current period Cost Adjustment Factors in its semi-annual FAC filing in Commission File No. ER-2012-0478. Staff recommends that the Commission approve GMO's true-up filing for Recovery Period 7 and authorize GMO to

<sup>1</sup> In its Report and Order issued May 17, 200, in Case No. ER-2007-0004, the Commission approved GMO's use of a FAC, and on February 14, 2011, the Commission issued an order in Case No. ER-2011-0179 approving GMO's semi-annual FAC rate schedules effective March 1, 2011.

include those amounts in its next accumulation period. No other party responded to GMO's application or to Staff's recommendation.

Neither the governing statute<sup>2</sup> nor any other law requires a hearing before approving the unopposed application.<sup>3</sup> Because this is a non-contested case, the Commission acts on evidence that is not formally adduced and preserved.<sup>4</sup> There is no evidentiary record.<sup>5</sup> Consequently, the Commission bases its decision on the parties' verified filings.

Based on the Commission's independent and impartial review of the verified filings, the Commission finds that it is in the public interest to approve GMO's application and authorize GMO to include the calculated over-recovery in its next FAC accumulation period.

#### **THE COMMISSION ORDERS THAT:**

1. The true-up amounts for Recovery Period 7 are established as over-collections by KCP&L Greater Missouri Operations Company of \$81,390 in the MPS rate district and \$16,678 in the company's L&P rate district and shall be reflected in the rate adjustment as approved in Commission File No. ER-2012-0478.

2. This order shall become effective on August 24, 2012.

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<sup>2</sup> Section 386.266, RSMo Supp. 2010. This section provides for a hearing when the FAC is approved, modified or rejected. It does not require a hearing when annual true-ups are filed by the company. Commission Rule 4 CSR 240-20.090(5) states the Commission may hold a hearing if needed, one is not required. <sup>2</sup> Section 536.010(4), RSMo Supp. 2010, defines a contested as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing."

<sup>3</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

<sup>4</sup> *State ex rel. Public Counsel v. Public Service Comm'n*, 210 S.W.3d 344, 353-355 (Mo. App. 2006).

<sup>5</sup> *Id.* The competent and substantial evidence standard of Article V, Section 18, does not apply to administrative cases in which a hearing is not required by law." *Id.*

3. This file shall close on August 25, 2012.

( S E A L )

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed  
Secretary

Gunn, Chm., Jarrett, Kenney, and  
Stoll, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge