

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Application of Kansas City     )  
Power and Light Company For Approval of Its     )  
Demand-Side Management Portfolio Pursuant     ) Docket No. 16-KCPE-446-TAR  
to the Kansas Energy Efficiency Investment     )  
Act (“KEEIA”), K.S.A. 66-1283.                     )

**STAFF’S STATED POSITION ON NON-UNANIMOUS STIPULATION AND  
AGREEMENT AND REAFFIRMATION OF OBJECTION OUT-OF-TIME**

COMES NOW, the Staff of the Kansas Corporation Commission (Staff and Commission, respectively) and hereby submits its stated position regarding the Non-Unanimous Stipulation and Agreement submitted in this matter. In support of its position, Staff states the following:

1. Commission regulations establish procedures for submitting and responding to settlement agreements.<sup>1</sup>

2. On August 31, 2016, Kansas City Power & Light Company (KCP&L), the Climate and Energy Project (CEP), National Resources Defense Council (NRDC), National Housing Trust (NHT), and Brightergy, LLC (Brightergy) submitted a Joint Motion for Approval of Non-Unanimous Stipulation and Agreement. The signatories to the Non-Unanimous Stipulation and Agreement requested the Commission approve KCP&L’s Application with certain modifications.<sup>2</sup>

3. On September 1, 2016, Staff joined with other parties in submitting a Consolidated List of Contested Issues. The Consolidated List of Contested Issues provides a summarization of the contested issues present in the proceeding, and in particular each parties’ respective position on such.<sup>3</sup>

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<sup>1</sup> See K.A.R. 82-1-230a.

<sup>2</sup> Joint Motion for Approval of non-Unanimous Stipulation and Agreement (Aug. 31, 2016) (S&A).

<sup>3</sup> Consolidated List of Contested Issues (Sep. 1, 2016).

4. On September 2, 2016, the Prehearing Officer for this matter postponed the evidentiary hearing scheduled to begin September 7, 2016. Due to unintended errors contained in KCP&L's Application and a request by the Commission for supplemental direct testimony from KCP&L, an alternative procedural schedule began to be drafted.

5. On December 15, 2016, the Commission issued an Amended Procedural Schedule setting January 20, 2017, as Staff's deadline to file Amended Testimony to Address Corrections and Surrebuttal or Supplemental Testimony.<sup>4</sup> On January 20, 2017, Staff filed additional testimony from three witnesses.<sup>5</sup>

6. Commission regulations require parties with objections to settlement agreements to present such within 10 days of a settlement agreement's filing.<sup>6</sup> The Non-Unanimous Stipulation and Agreement filed in this docket recommends, in part, approval of KCP&L's Application with three modifications.<sup>7</sup> Staff's objections to KCP&L's Application are contained within the Consolidated List of Contested Issues submitted in this matter and are therefore timely.

7. Staff's response to proposed modifications of KCP&L's Application is contained within the Surrebuttal and Supplemental Testimony of Staff witness Josh P. Frantz, filed in accordance with the Amended Procedural Schedule on January 20, 2017.<sup>8</sup>

8. Staff's response to the proposed modifications contained within the Non-Unanimous Stipulation and Agreement complies with the Commission's Amended Procedural Schedule, but technically falls outside of the response period prescribed by Commission

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<sup>4</sup> Order Amending Procedural Schedule (Dec. 15, 2016).

<sup>5</sup> Staff Witnesses Dr. Robert H. Glass, Josh P. Frantz and Darren L. Prince submitted additional testimony on behalf of Staff.

<sup>6</sup> K.A.R. 82-1-230a(c).

<sup>7</sup> See S&A, pp. 2-3.

<sup>8</sup> See Surrebuttal and Supplemental Testimony Prepared by Josh P. Frantz, pp. 3-7 (Jan. 20, 2017).

regulations. Accordingly, Staff hereby submits its response, out-of-time, to ensure compliance with Commission regulations.

9. Regarding the Non-Unanimous Stipulation and Agreement submitted in this docket, Staff wishes to clarify its objections or acquiescence regarding the settlement terms.

10. Staff does not object to the modifications proposed to the Income Eligible Multi-Family Program as detailed in the Non-Unanimous Stipulation and Agreement.

11. Staff objects to any further proposals contained within the Non-Unanimous Stipulation and Agreement.

12. Staff's positions on KCP&L's Application are well documented in Staff's testimony and the Consolidated List of Contested Issues. Staff's positions on the modifications to KCP&L's Application contained within the Non-Unanimous Stipulation and Agreement have been on record since January 20, 2017. Accordingly, Staff's objections to such are timely. Parties to this proceeding have full knowledge of Staff's positions and no party will be prejudiced by the Commission's acceptance of this notice pleading formally clarifying such positions and objections.

WHEREFORE, pursuant to K.A.R. 82-1-230a(c) and except as detailed in paragraph 10, above, Staff hereby submits notice to the Commission and all interested parties it respectfully objects to the Non-Unanimous Stipulation and Agreement submitted in this proceeding on August 31, 2016. Staff plans to actively participate in the evidentiary hearing scheduled in this matter for March 22 – 24, 2017, exercising all of its attendant rights and privileges as a party to this docket. Staff asserts good cause exists and it is in the public interest for the Commission to exercise its discretion pursuant to K.A.R. 82-1-202(a) to accept this filing out-of-time, and for any other relief as the Commission deems just and reasonable.

Respectfully Submitted,

/s/ Robert Elliott Vincent

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## **CERTIFICATE OF SERVICE**

16-KCPE-446-TAR

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Stated Position on Non-Unanimous Stipulation and Agreement and Reaffirmation of Objection Out-of-Time served by electronic service on this 13th day of March, 2017, to the following:

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