

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

In the Matter of the Application of Kansas City     )  
Power & Light Company For Approval of Its     )     Docket No.: 16-KCPE-160-MIS  
Clean Charge Network Project and Electric     )  
Vehicle Charging Station Tariff                     )

**APPLICATION OF KANSAS CITY POWER & LIGHT COMPANY  
FOR APPROVAL OF ITS CLEAN CHARGE NETWORK PROJECT AND  
ELECTRIC VEHICLE CHARGING STATION TARIFF**

COMES NOW Kansas City Power & Light Company (“KCP&L”), and hereby requests from the State Corporation Commission of the State of Kansas (“Commission”) approval of KCP&L’s Clean Charge Network (“CCN”) project and electric vehicle (“EV”) charging station tariff, and approval to include the costs of the CCN project in KCP&L’s base rates as part of its abbreviated rate case to be filed later this year. In furtherance of this Application, KCP&L states as follows:

**I. THE APPLICANT**

1. KCP&L is a vertically integrated electric public utility company under the jurisdiction of the Commission that is engaged in the generation, transmission, distribution and sale of electric energy to the public within the meaning of K.S.A. 66-104, in legally designated areas of Kansas. KCP&L holds a Certificate of Convenience and Authority issued by this Commission, authorizing KCP&L to engage in such utility business. KCP&L has previously filed with the Commission certified copies of its Articles of Incorporation under which it was organized, and its Certificate of Registration as a Foreign Corporation authorized to do business in Kansas, and all amendments thereto and restatements thereof, and the same are incorporated herein by reference.

## II. PROCEDURAL BACKGROUND

2. On January 26, 2015, KCP&L announced its planned CCN for the installation and operation of more than 1,000 EV charging stations capable of supporting more than 10,000 EVs in KCP&L's service territories. (See News Release, attached hereto as **Attachment A**).

3. On February 5, 2015, KCP&L filed with the Commission a Petition to Open General Investigation Docket, assigned as Docket No. 15-GIME-345-GIE ("15-345 Docket" and "15-345 Petition"). KCP&L recommended the Commission establish a general investigation docket so that,

[i]nterested stakeholders could learn more about KCP&L's Clean Charge Network and collaboratively discuss issues attendant to even broader penetration of electric vehicles and electric vehicle charging stations, including but not limited to:

- a. Impact of charging stations on a utility's retail customers;
- b. Impact of charging stations on a utility's distribution system;
- c. Pricing alternatives and other impacts of electric vehicles; and
- d. Any other issue regarding electric vehicle charging stations.<sup>1</sup>

4. On March 31, 2015, the Commission denied KCP&L's 15-345 Petition stating, "The Commission finds KCP&L's request for a general investigation to be premature and should be delayed until the conclusion of the rate case,"<sup>2</sup> and "The Commission is willing to reexamine the merits of a general investigation at the conclusion of KCP&L's rate case."<sup>3</sup>

5. On June 17, 2015, in Docket No. 15-KCPE-116-RTS ("15-116 Docket"), KCP&L, Staff, CURB, and Midwest Energy Consumers' Group filed a Joint Motion for Approval of Unanimous Partial Settlement Agreement on Revenue Requirement ("15-116 Settlement" or "Settlement"). As part of that Settlement, the KCP&L, Staff and CURB agreed to

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<sup>1</sup> 15-345 Docket, Petition to Open General Investigation Docket, pp. 1-2, ¶ 3 (footnote omitted).

<sup>2</sup> 15-345 Docket, Order Denying KCP&L's Motion to File Supplemental Direct Testimony and Denying KCP&L's Petition to Open General Investigation Docket, issued Mar. 31, 2015, pp. 7-8. The rate case referred to by the Commission was the one pending at the time in Docket No. 15-KCPE-116-RTS.

<sup>3</sup> Id.

jointly petition the Commission to open a generic docket to work collaboratively with the Company to investigate and evaluate the issue of EV charging stations. The parties agreed to file said petition as soon as possible, but no later than October 1, 2015. Specifically, the Settlement stated,

Without providing precedent for any party's position or hindering any party's future position on the issue of electric vehicle (EV) charging stations and KCP&L's Clean Charge Network, KCP&L, Staff and CURB agree to jointly petition the Commission to open a generic docket to work collaboratively with the Company to investigate and evaluate the issue of EV charging stations. Such petition filing shall be filed as soon as possible, but no later than October 1, 2015, and will include a proposed procedural schedule that, if approved, would ensure completion of the docket within one year so that KCP&L will have sufficient time to address the issue of EV charging stations in the abbreviated rate proceeding in accordance with the resulting final order of the Commission in the generic docket. The Signatory Parties further agree that KCP&L may request revenue requirement and tariffs related to the EV charging stations in the abbreviated rate case in accordance with the Commission's final order in the generic docket.<sup>4</sup>

6. On September 10, 2015, the Commission issued its Order on KCP&L's Application for Rate Change in the 15-116 Docket. In its Order, the Commission approved the Settlement, including the provision cited above wherein the parties agreed to jointly petition the Commission to open a generic docket to investigate EV charging stations.

7. On September 25, 2015, consistent with the Commission-approved 15-116 Settlement, KCP&L, Staff and CURB filed a Joint Petition to Open General Investigation Docket regarding EV charging stations and included threshold legal questions, threshold policy questions, and threshold ratemaking questions to be addressed in the generic docket as well as a proposed procedural schedule for the docket consistent with the 15-116 Settlement. Such filing was docketed as Docket No. 16-GIME-160-GIE.

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<sup>4</sup> 15-116 Docket, Settlement, Attachment A, Partial Settlement Agreement on Revenue Requirement, filed Jun. 17, 2015, p. 11, Section N, ¶ 20.

8. On February 2, 2016, the Commission issued its order opening a docket on this topic but modified the format to a KCP&L-specific docket addressing the same questions but with a significantly different procedural schedule (“February 2 Order”). The Commission also renamed the Docket No. 16-KCPE-160-MIS.

### **III. DESCRIPTION OF THE COMPANY’S TARIFF APPLICATION**

9. This Application is filed consistent with the procedural schedule issued in the Commission’s February 2 Order.

10. As noted above in paragraph 5, the 15-116 Settlement envisioned allowing KCP&L to address the issue of its CCN and recovery of the associated costs in its abbreviated rate case to be filed in November 2016.<sup>5</sup> The Commission’s decision in this docket regarding the program cost recovery will be implemented as part of the abbreviated rate case. The tariff is intended to be approved as part of this docket and be effective January 1, 2017. To that end, the parties expect this KCP&L-specific docket will address questions and topics regarding KCP&L’s CCN and EV charging stations in general including, but not limited to, the legal and policy questions identified in the Commission’s February 2 Order, to wit:

#### *Threshold Legal Questions*

- Is the provision of EV charging services a public utility function under Kansas law?
- Does the sale of electricity as a transportation fuel source constitute “furnishing power” under Kansas law?
- Would certification of private charging entities within incumbent electric public utility service areas conflict with Kansas law?

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<sup>5</sup> The Commission approved KCP&L’s filing of an abbreviated rate case following the 15-116 Docket in its Order in Docket No. 15-GIME-025-MIS, issued Sep. 9, 2014. Based upon the procedural schedule in the 15-116 Docket, such abbreviated rate case must be filed no later than September 9, 2016. The 15-116 Settlement requested, and the Commission approved, an extension to that timeframe that allows KCP&L to file its abbreviated rate case no later than November 9, 2016, to allow time for this generic investigation docket regarding EV charging stations.

- Do any conflicts exist between current Kansas law and utility implementation of EV charging stations?
- Is potential subsidization, if any, of EV charging station users, both KCP&L customers and those living outside the Kansas City metropolitan area, by non-EV charging station users lawful?

*Threshold Policy Questions*

- Do any general conflicts exist between current Kansas policy and utility implementation of EV charging stations?
- Should a regulated electric public utility be allowed to enter a potentially competitive marketplace?
- Do utility-provided EV charging stations result in cross-subsidization leading to rates that are unreasonably discriminatory or unduly preferential?
- Do utility-provided EV charging stations serve the public interest?

11. In addition to the legal and policy questions, the Commission also identified several questions regarding cost recovery and ratemaking which KCP&L has addressed in its Application including:

*Ratemaking Questions*

- What is the impact of EV charging stations on a utility's retail customers?
- What is the impact of EV charging stations on a utility's distribution system?
- What pricing alternatives should be considered for EV charging stations like KCP&L's CCN?

12. And finally, the Commission asked the Company to answer other questions about its CCN in its Application including:

*Other Questions Regarding KCP&L's CCN Project*

- Lay out the costs and benefits of the proposed EV [charging station] network.
- Provide a comprehensive plan detailing the cost of the proposed CCN and the need for the proposed network.
- Discuss how the costs for the EV CCN will be allocated to KCP&L's ratepayers.

- Explain whether ratepayers who do not drive electric vehicles or that live outside of the Kansas City metropolitan area may be subsidizing drivers of EVs.
- Identify any safeguards to prevent any unlawful cross-subsidization.
- Provide a status of the CCN, namely how many charging stations are operational and the location of those stations.
- Discuss whether the various municipalities in which KCP&L hopes to locate EV charging stations have provided approval for KCP&L to do so.
- Explain the benefit of implementing the CCN with 1,000 EV charging stations rather than a smaller pilot plan that could be used to evaluate the need for an expanded network.

13. This Application includes a Legal Brief to address the threshold legal issues identified by the Commission (*see Attachment B*), a proposed Public Electric Vehicle Charging Station Service tariff (*see Attachment C*), and the direct testimony of four Company witnesses as shown below. The various pieces of this Application include all of the information requested by the Commission in its February 2 Order opening this docket.

<b>Witness</b>	<b>Testimony Topics</b>
Charles (“Chuck”) A. Caisley Vice President, Marketing and Public Affairs	Overview of CCN Project and Costs
Darrin R. Ives Vice President, Regulatory Affairs	Tariff Details, Cost Recovery, and Regulatory Issues
Kristin L. Riggins Sustainability Product Manager	CCN Implementation Process and Status, and Charging Station Details
Daniel Bowermaster Program Manager, Electric Transportation Electric Power Research Institute (“EPRI”)	EPRI CCN Benefits Study

#### **IV. THE PUBLIC INTEREST**

14. KCP&L's CCN is in the public interest in Kansas because it places Kansas in the forefront of accommodating and promoting development of an industry that is expected to advance quickly in the near future, it proposes a plan that brings the network to Kansas in an efficient and effective manner, and it provides benefits to KCP&L's Kansas customers and to Kansas citizens overall. Approval of KCP&L's Application and tariff allows KCP&L to evolve in its service offerings to meet the demands of mobile customers in its certificated territory, ensuring continued provisioning of sufficient and efficient electric service at just and reasonable rates.

#### **V. SERVICE**

15. In addition to signatory counsel, communications and correspondence in regard to this Application should be addressed to:

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WHEREFORE, KCP&L respectfully requests the Commission issue an Order (a) approving KCP&L's CCN project; (b) approving the Company's EV charging station tariff as proposed herein and order that it become effective as proposed; (c) approving inclusion of the costs of the CCN project in KCP&L's base rates as part of its abbreviated rate case to be filed later this year; and (d) granting such other and further relief as it deems just and reasonable.

Respectfully submitted,

*/s/ Robert J. Hack*

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**COUNSEL FOR  
KANSAS CITY POWER & LIGHT COMPANY**

VERIFICATION

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF JACKSON )

I, Darrin R. Ives, being duly sworn, on oath state that I am Vice President – Regulatory Affairs of Kansas City Power & Light Company, that I have read the foregoing Application and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

KANSAS CITY POWER & LIGHT COMPANY

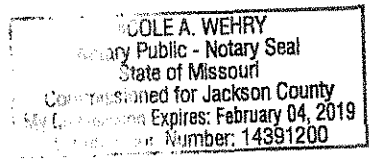
By: *Darrin R. Ives*  
Darrin R. Ives

The foregoing Application was subscribed and sworn to before me this 16<sup>th</sup> day of February, 2016.

*Nicole A. Wehry*  
Notary Public

My Commission Expires:

Feb. 4, 2019



**MEDIA CONTACT:**  
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**FOR IMMEDIATE RELEASE**

## **KCP&L BECOMES ELECTRIC VEHICLE INFRASTRUCTURE LEADER WITH GROUNDBREAKING ANNOUNCEMENT**

*KCP&L's Clean Charge Network will be the largest utility electric vehicle charging station installation in the country*

**KANSAS CITY, Mo. (Jan. 26, 2015)** — Today, at a kickoff event at its headquarters, Kansas City Power & Light Company (KCP&L), a subsidiary of Great Plains Energy Incorporated (NYSE: GXP), announced its plans to install and operate more than 1,000 electric vehicle charging stations, making it the largest electric vehicle charging station installation by an electric utility in the United States. KCP&L's Clean Charge Network is the next step in the company's leadership in environmental sustainability. Over the next several months, KCP&L will install more than 1,000 charging stations throughout the Greater Kansas City region. This network of stations will be capable of supporting more than 10,000 electric vehicles. Through partnerships with companies at host locations and with Nissan Motor Company, the Clean Charge Network will offer free charging on every station to all drivers for the first two years. The stations are manufactured by ChargePoint and will be part of the ChargePoint network of more than 20,000 charging spots in North America.

"The Kansas City region is quickly building a reputation as an innovative, sustainable place to live and work," said Terry Bassham, President and CEO of Great Plains Energy and KCP&L. "We're excited to continue being a leader in support of this growth by providing our customers and visitors to this region with an environmentally-friendly alternative to gasoline-powered vehicles. Thanks to our Clean Charge Network, everyone in our service territory will be able to charge up and hit the road."

### **Where can I charge my electric vehicle?**

The charging stations will be installed strategically throughout KCP&L's service region, ensuring there will be a charging station near where electric vehicle owners live and work.

"We are committed to the electric vehicle industry and want to give residents and visitors the ability to join the electric vehicle revolution. As a utility, we will place the stations where they're needed most and support them as part of our electric grid, leveraging our expertise with

electrical infrastructure,” said Bassham. “Our Clean Charge Network eliminates ‘range anxiety’ in the region, which is the number one roadblock to greater electric vehicle adoption. Now, electric vehicle owners will have an answer to the question, ‘Where do I recharge my vehicle?’”

Installation of the charging stations began in late 2014 and will be completed this summer. The first stations deployed on the network will include 15 fast charging stations provided by Nissan and KCP&L, which will charge any model of electric vehicle on the market. On the fast charging stations, an electric vehicle like the Nissan LEAF will charge from empty to approximately 80 percent in about 30 minutes. In addition, the Clean Charge Network will have more than 1,000 standard charging stations, which will give most electric vehicles a 25 mile charge for every hour it is plugged into the station.

“The number of stations allows electric vehicle owners to change their habits, charging as they go about their day, and giving them the freedom to drive that much further. It makes it easier for current electric vehicle owners and hopefully will remove the perceived barriers for potential electric vehicle owners,” said Bassham.

### **What’s in it for me?**

“The most exciting part is that everyone benefits,” said Kansas City Mayor, Sly James. “Not only do the owners of electric vehicles in Kansas City benefit, but with this project, KCP&L is also investing in the economic development and environmental sustainability of this region, which is a win for everyone. I applaud KCP&L for taking this groundbreaking step forward right here in Kansas City.”

Kansas City is the largest auto manufacturing center in the United States, outside of Detroit. That position makes the region well suited for leadership in the transportation of the future. Range anxiety — the fear of running out of power before reaching the next charging station — is a top concern for potential electric car buyers. By alleviating that anxiety and enabling more people to purchase electric vehicles, KCP&L’s Clean Charge Network continues Kansas City region’s leadership as an automotive center by creating new jobs and, ultimately, attracting new businesses and talent.

This project extends KCP&L’s position as an industry leader in environmental sustainability. Along with KCP&L’s environmental upgrades at several local power plants, renewable energy portfolio and its energy efficiency programs, the KCP&L Clean Charge Network will reduce carbon emissions and help the Kansas City region attain EPA regional ozone standards.

“All our environmental investments, including the new network, advance our commitment to a more sustainable energy future,” said Bassham. “We know our customers want more choice when it comes to their energy solutions, and we are committed to providing them with affordable, long-term energy solutions that offer them greater control of their energy use.”

In addition to regional economic and environmental benefits, the Clean Charge Network can help keep electricity costs low for all KCP&L customers. As more drivers adopt electric vehicles, not only will vehicle emissions be reduced but the cost of operating and maintaining the electrical grid will be spread over increased electricity usage, benefitting everyone. Those who drive electric vehicles will see the bill for fueling their cars go down because electricity is less expensive than gasoline, even at gasoline’s low current price. At the same time, increased efficient use of electricity will offset cost increases for operating the grid, which would otherwise become part of customer bills.

“People generally charge their cars at non-peak periods when KCP&L’s electrical grid is being underutilized. By stimulating electric vehicle adoption with their Clean Charge Network, what KCP&L is doing is encouraging people to use the electrical grid more efficiently and drive down the cost of electricity for everyone,” said Natural Resources Defense Council Senior Energy Economist Ashok Gupta. “KCP&L’s efforts to encourage the use of electric vehicles, modernize the electrical grid, increase the use of renewable energy sources and invest in customers through robust energy efficiency programs are all critical parts of a sustainable energy future. More electric vehicles on the road means that people will be using more electricity during times when KCP&L already has enough generation and distribution capacity to meet their demand. That means savings on electricity bills for everyone and cleaner air for everyone.”

### **Why KCP&L?**

KCP&L is not new to electric vehicle infrastructure. In 2011, KCP&L worked with the Kansas City Regional Clean Cities Coalition to bring ten charging stations to the area. KCP&L also deployed additional stations through the KCP&L SmartGrid Demonstration Project. All of these stations offered the opportunity to test technologies and behaviors while monitoring usage, laying the foundation for KCP&L’s Clean Charge Network.

“We’ve learned a lot over the last few years about how our customers use electric vehicles,” said Bassham. “Combined with our knowledge of the electric grid and award-winning reliability, we think we’re well-suited to operate the electric vehicle network.”

KCP&L will install ChargePoint stations as part of this project. ChargePoint operates the world’s largest electric vehicle charging network, making Clean Charge stations part of a nationwide cohesive network and not a series of one-off stations. As a result, electric vehicle owners in this region will have the same experience, the same customer service and a set of transparent and standard pricing options at every station. And for the next two years, charging a car in KCP&L’s Clean Charge Network will be free to electric vehicle owners. KCP&L is partnering with Nissan and the host sites to cover the charging cost to further encourage electric vehicle adoption in this market.

Economies of scale with KCP&L’s Clean Charge Network will help keep costs low. As a utility, KCP&L’s costs are regulated by state commissions. These factors combine to ensure a fair price for the stations. The commissions will also help facilitate conversations to ensure all stakeholders have a voice.

### **Partners**

“Our partners helped make this groundbreaking program a reality,” said Bassham. “Each is a leader in the electric vehicle industry worldwide. We look forward to working together on making the Midwest a leader in the electric vehicle industry.”

- **Nissan**, maker of the Nissan LEAF, the best-selling all-electric car, is providing funding toward 16 fast charging stations, including covering the costs of the electricity necessary to power the charging stations for two years.
- **ChargePoint**, the world’s largest and most open electric vehicle charging network, will manufacture the standard charging stations in KCP&L’s Clean Charge Network. ChargePoint manufactures the stations and this represents the single largest single

installation on the ChargePoint network. ChargePoint provides 24/7 driver support and offers a free mobile app that drivers can use to find stations and start charging.

KCP&L is also partnering with local companies to be host sites for the Clean Charge Network. Host sites have been selected using a variety of criteria, including ensuring KCP&L's Clean Charge Network is accessible at geographically diverse sites that are convenient for customers to access. There are still a limited number of spots available for sites. Interested business can apply online at [www.kcpl.com/CleanCharge](http://www.kcpl.com/CleanCharge). Customers who would like to nominate a location can do so on KCP&L's Facebook page at [www.facebook.com/KCPLConnect](http://www.facebook.com/KCPLConnect).

### **How to access the Clean Charge Network**

To utilize the stations, all drivers have to do is sign up for a ChargePoint membership (<https://na.chargepoint.com/register>). Drivers will then have access to the more than 20,000 charging locations nationwide on the ChargePoint network, including these new stations offered by KCP&L. Drivers can find charging stations and see their availability in real-time at ChargePoint.com or with the free ChargePoint mobile app. To use the stations, drivers simply wave their ChargePoint card in front of the station, or use the ChargePoint mobile app.

For more information on this project and to see a map of locations already selected, please visit [www.kcpl.com/CleanCharge](http://www.kcpl.com/CleanCharge).

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### **About Great Plains Energy:**

Headquartered in Kansas City, Mo., Great Plains Energy Incorporated (NYSE: GXP) is the holding company of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company, two of the leading regulated providers of electricity in the Midwest. Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company use KCP&L as a brand name. More information about the companies is available on the Internet at: [www.greatplainsenergy.com](http://www.greatplainsenergy.com) or [www.kcpl.com](http://www.kcpl.com).

### **About Nissan LEAF:**

With more than 158,000 global sales since launch, Nissan LEAF is the world's best-selling electric vehicle. LEAF seats up to five passengers and boasts an estimated driving range on a fully-charged battery of 84 miles and MPGe ratings of 126 city, 101 highway and 114 combined. The effective price of a Nissan LEAF starts at about \$23,000 after the available \$7,500 federal tax credit, which is competitive with gas-powered cars while providing the benefits of lower running costs and less scheduled maintenance. For more information, visit [www.nissanusa.com/LEAF](http://www.nissanusa.com/LEAF).

### **About ChargePoint:**

ChargePoint operates the world's largest electric vehicle (EV) charging network, with more than 20,000 spots to plug in and charge. We are transforming the transportation industry by providing the charging stations, mobile apps, analytics and the charging network that allow property owners and drivers to benefit from EV charging. We are also transforming the energy industry by providing intelligent solutions to help people and businesses shift away from fossil fuels and use electricity more efficiently. Our mission is to get all drivers behind the wheel of an EV and

provide them a place to charge whether at home, at work, around town or out-of-town. Real-time network information is available through the ChargePoint app and in many top-selling EVs. For more information, visit [www.chargepoint.com](http://www.chargepoint.com)

**Forward-Looking Statements:**

Statements made in this release that are not based on historical facts are forward-looking, may involve risks and uncertainties, and are intended to be as of the date when made. Forward-looking statements include, but are not limited to, the outcome of regulatory proceedings, cost estimates of capital projects and other matters affecting future operations. In connection with the safe harbor provisions of the Private Securities Litigation Reform Act of 1995, Great Plains Energy and KCP&L are providing a number of important factors that could cause actual results to differ materially from the provided forward-looking information. These important factors include: future economic conditions in regional, national and international markets and their effects on sales, prices and costs; prices and availability of electricity in regional and national wholesale markets; market perception of the energy industry, Great Plains Energy and KCP&L; changes in business strategy, operations or development plans; the outcome of contract negotiations for goods and services; effects of current or proposed state and federal legislative and regulatory actions or developments, including, but not limited to, deregulation, re-regulation and restructuring of the electric utility industry; decisions of regulators regarding rates the Companies can charge for electricity; adverse changes in applicable laws, regulations, rules, principles or practices governing tax, accounting and environmental matters including, but not limited to, air and water quality; financial market conditions and performance including, but not limited to, changes in interest rates and credit spreads and in availability and cost of capital and the effects on nuclear decommissioning trust and pension plan assets and costs; impairments of long-lived assets or goodwill; credit ratings; inflation rates; effectiveness of risk management policies and procedures and the ability of counterparties to satisfy their contractual commitments; impact of terrorist acts, including but not limited to cyber terrorism; ability to carry out marketing and sales plans; weather conditions including, but not limited to, weather-related damage and their effects on sales, prices and costs; cost, availability, quality and deliverability of fuel; the inherent uncertainties in estimating the effects of weather, economic conditions and other factors on customer consumption and financial results; ability to achieve generation goals and the occurrence and duration of planned and unplanned generation outages; delays in the anticipated in-service dates and cost increases of generation, transmission, distribution or other projects; Great Plains Energy's ability to successfully manage transmission joint venture; the inherent risks associated with the ownership and operation of a nuclear facility including, but not limited to, environmental, health, safety, regulatory and financial risks; workforce risks, including, but not limited to, increased costs of retirement, health care and other benefits; and other risks and uncertainties.

This list of factors is not all-inclusive because it is not possible to predict all factors. Other risk factors are detailed from time to time in Great Plains Energy's and KCP&L's quarterly reports on Form 10-Q and annual report on Form 10-K filed with the Securities and Exchange Commission. Each forward-looking statement speaks only as of the date of the particular statement. Great Plains Energy and KCP&L undertake no obligation to publicly update or revise any forward-looking statement, whether as a result of new information, future events or otherwise.

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Vehicle Charging Station Tariff.                        )

**BRIEF OF KANSAS CITY POWER & LIGHT COMPANY  
ON LEGAL ISSUES**

COMES NOW Kansas City Power & Light Company (“KCP&L” or “Company”), and pursuant to the Order of the Kansas Corporation Commission (“Commission”) issued in this docket on February 2, 2016 (“February 2 Order”), submits this brief addressing legal issues set out by the Commission related to KCP&L’s proposed Clean Charge Network (“CCN”) and electric vehicle (“EV”) charging station program in Kansas.

In the February 2 Order, the Commission identified certain legal issues to be addressed by KCP&L as part of its Application in this docket, to wit:<sup>1</sup>

- A. Is the provision of EV charging services a public utility function under Kansas law?
- B. Does the sale of electricity as a transportation fuel source constitute “furnishing power” under Kansas law?
- C. Would certification of private charging entities within incumbent electric public utility service areas conflict with Kansas law?
- D. Do any conflicts exist between current Kansas law and utility implementation of EV charging stations?

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<sup>1</sup> February 2 Order, pp. 3-4. Some of the non-legal issues were categorized as legal issues in the Order, so KCP&L has adjusted the above list to include only the legal issues, as they were previously identified in the *Joint Petition to Open General Investigation Docket*, filed by KCP&L, Staff and CURB on September 24, 2015, and adding item E from the February 2 Order.



- E. Is potential subsidization, if any, of EV charging station users, both KCP&L customers and those living outside the Kansas City metropolitan area, by non-EV charging station users lawful?

**A. Is the provision of EV charging services a public utility function under Kansas law?**

In *Cities Service Gas Co. v. State Corp. Comm'n*, 201 Kan. 223, 238 (1968), the Kansas Supreme Court held that “the production, transportation, distribution and sale of natural gas for light, fuel and power is a business of a public nature, the control of which belongs to the state, and, by the enactment of the Public Utility Act, the regulation and supervision thereof was fully and completely vested in the commission.” While that case concerned natural gas operations, the language being considered arises from K.S.A. 66-104 and is equally applicable to electric service. K.S.A. 66-104 provides,

The term “public utility,” as used in this act, shall be construed to mean ... all companies for the production, transmission, delivery or furnishing of heat, light, water or power.

The production, transmission, delivery or furnishing of heat, light, water or power is “business of a public nature”, and the Commission has the power to regulate it under the Public Utility Act.

Provisioning EV charging services is a legitimate public utility function under Kansas law. The facilities needed to deliver the power and the actual power delivered to end-users fall under the category of services provided by a public utility as defined by K.S.A. 66-104, and under the definition of an “electric public utility” contained in K.S.A. 66-101a, which reads,

“Electric public utility” means any public utility, as defined in K.S.A. 66-104, and amendments thereto, which generates or sells electricity.

These definitions do not limit themselves to the provisioning of electric service to only stationary, non-transportation related customers. There is no distinction in the statutes between furnishing power to stationary locations versus mobile units. Thus, if a company is providing

electric service to an end-user located in its certificated territory, such service constitutes a public utility function, whether the end-user is a home, a business or a vehicle. This function includes the facilities necessary to deliver such power to the customer, whether the facilities are electric power lines, substations or charging stations. There is no question that, when an electric public utility supplies power to a residential home, it constitutes a “public utility function”. That definition does not change depending upon the use to which the customer puts the power supplied. In other words, the service does not suddenly fall outside the category of a “public utility function” when the customer uses the power to charge an EV rather than air condition a home.

Additionally, should the Commission determine that promoting and provisioning electric service for transportation purposes is necessary for carrying out Kansas public policy with regard to promoting and expanding the use of EVs in the state, then it would become part of the services and activities a public utility should make available to Kansas customers in order to meet the legal standard of providing “efficient and sufficient service and facilities” at just and reasonable rates, as required by K.S.A. 66-101b, which reads:

Every electric public utility governed by this act shall be required to furnish reasonably efficient and sufficient service *and facilities for the use of any and all products or services rendered, furnished, supplied or produced by such electric public utility*, to establish just and reasonable rates, charges and exactions and to make just and reasonable rules, classifications and regulations. (emphasis added)

**B. Does the sale of electricity as a transportation fuel source constitute “furnishing power” under Kansas law?**

Yes. See response to question A above.

**C. Would certification of private charging entities within incumbent electric public utility service areas conflict with Kansas law?**

The Retail Electric Suppliers Act (“RESA”), K.S.A. 66-1,170 *et seq.*, establishes the legal standard of single certificated territories for provisioning electric service in Kansas. It states that each geographic territory in Kansas is to be served by only one electric public utility so as to avoid wasteful duplication of facilities, avoid unnecessary encumbrance of the landscape, prevent waste of materials and natural resources, and minimize disputes between retail electric suppliers. (K.S.A. 66-1,171). K.S.A. 66-1,172 provides,

Subject to the provisions of this act, the corporation commission shall cause the state to be divided into electric service territories. Within each such territory, *only one retail electric supplier shall provide retail electric service*, and any such territory established for a retail electric supplier pursuant to this section shall be certified to such retail electric supplier by the commission *and such area shall be provided retail electric service exclusively by such supplier*. (emphasis added)

K.S.A. 66-1,173 reads,

Every retail electric supplier shall have the exclusive right and responsibility to furnish retail electric service to all electric consuming facilities located within its certified territory ...

The term “electric consuming facility” is defined in K.S.A. 66-1,170(b) as “any entity which utilizes electric energy from a central station service”; a definition under which an EV located within KCP&L’s certified territory falls. RESA defines “retail electric supplier” as any person, firm, corporation, municipality, association or cooperative corporation engaged in the furnishing of retail electric service, and a “certified territory” as an electric service territory certified to a retail electric supplier pursuant to the RESA. K.S.A. 66-1,173 “basically prohibits a retail electric supplier from rendering its service to a consumer located in the certified territory of another retail electric supplier.” *City of New Strawn v. State Corp. Comm’n*, 5 Kan. App.2d 630, 633 (1981).

As such, an “electric consuming facility” is the end-user, which in this case is the EV and owner using the facility to charge his or her EV, not the third party who owns the charging facility. This third party may consume electricity for its own operations, but it is not consuming the electricity being sold to those charging their EVs. If the third party owning the charging station were selling electricity to those charging their vehicle at the station, the station owner would not be consuming the electricity; they would be reselling it to a retail end-user. This would be a violation of the RESA.

A similar issue arises if the third party station owner charges just one overall fee to the customer for the use of the charging facilities, and the fee includes the cost of the power supplied in addition to other overhead costs of the station owner. Under these circumstances, the third party station owner’s conduct violates RESA because the transaction involves the provision of power by the third party station owner in exchange for payment regardless of how the payment may be structured.

If a third party charging station makes electricity sales to end-users, it would be a “public utility” under K.S.A. 66-104 because it is delivering or furnishing power, and it would be an “electric public utility” under K.S.A. 66-101a because it is a public utility that is selling electricity. As such, it would have to hold a public utility certificate from the Commission pursuant to K.S.A. 66-131, but the Commission is prohibited from issuing such certificate under RESA (K.S.A. 66-1,172).

There is one potential exception to this analysis. When the third party station owner is a business that is not an energy supply business - such as a department store or an apartment owner - and the charging station operations are incidental to their actual business activity. In that instance, there is an argument that the company is not “for the production, transmission, delivery

or furnishing of heat, light, water or power.” [K.S.A. 66-104] It engages in such activity, but that is not the business purpose for which it exists. Although KCP&L is not certain of the extent to which this may have arisen in the context of EV charging stations in Kansas, a similar situation has occurred before the Commission in the context of the landlord/tenant relationship where the landlord charged its tenants rent that included the cost of electric power supplied to the tenants, as discussed below.

In Docket No. 05-GIMX-1124-GIV (“05-1124 Docket”), the Commission considered landlord/tenant relationships where the tenants’ apartments were not separately metered, requiring the landlord to allocate the electric bill among tenants. The question raised was whether this arrangement constituted the reselling of electricity by the landlord at retail, thus classifying the landlord as a public utility under K.S.A. 66-104 and requiring the landlord to obtain a certificate under K.S.A. 66-131. KCP&L’s comments filed in the docket acknowledged the conundrum that, if the landlord was considered a public utility, it would need a certificate to provide the electric service to its tenants, but the Commission could not grant a certificate because it would violate RESA.<sup>2</sup>

Analysis of these issues was provided by Staff and a number of other parties in the 05-1124 Docket. Most of the parties seemed to agree that a literal reading of K.S.A. 66-104 indicated that landlords could be considered public utilities.<sup>3</sup> However, they also agreed that an entity whose primary business was not the provisioning of electric service, but who “resells” power incidental to its primary business, should not be considered a public utility under Chapter 66. They relied upon *Cities Service Gas Company* which states, “whether a particular

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<sup>2</sup> *Comments of Kansas City Power & Light*, filed Sep. 15, 2005, p. 10, ¶23.

<sup>3</sup> *Motion of the Staff of the State Corporation Commission of the State of Kansas Recommending the Commission Open a Generic Docket*, Docket No. 05-GIMX-1124-GIV, filed Jun. 10, 2005, (“Staff’s Motion”) p. 5.

business is a public utility must be determined from the character of the operations.”<sup>4</sup> However, the Staff argued that other factors needed to be examined before accepting the blanket conclusion that an entity’s provisioning of electric service was “incidental” to some other dominant service.<sup>5</sup> The primary focus of Staff and the other parties in the docket in this regard was on whether the landlord billed for the electric service separately from the rent charge, and whether the landlord received a profit on the electric service or just passed through to the tenant the amount charged by the utility company.<sup>6</sup>

While the 05-1124 Docket elicited an interesting array of comments and legal analyses on the issues presented, the Commission ultimately side-stepped addressing the difficult questions about RESA and K.S.A. 66-104 by holding that the Residential Landlord and Tenant Act (“RLTA”), K.S.A. 58-2540, *et. seq.*, preempts Chapter 66, making Chapter 66 inapplicable to arrangements within the provisions of the RLTA.<sup>7</sup> Thus, the Commission’s ultimate holding in the 05-1124 Docket is not instructive to the situation involving EV charging stations as it only applies to fact situations involving the residential landlord/tenant relationship.

However, even if a third party EV station owner argues that it is not a public utility under K.S.A. 66-104 because its delivery or furnishing of power is only incidental to its primary business, and therefore it is not “for the production, transmission, delivery or furnishing of heat, light, water or power”, it still must address the fact that its activities meet the definition of a “retail electric supplier” under RESA. The station owner is “engaged in the furnishing of retail electric service” when it supplies electricity to end-users for purposes of fueling their vehicles.

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<sup>4</sup> *Cities Service Gas Co.* at 609.

<sup>5</sup> Staff’s Motion, p. 8.

<sup>6</sup> *Id.*, pp. 8-9.

<sup>7</sup> *Order* issued Aug. 10, 2006.

Since K.S.A. 66-1,170 applies, it is likely the Commission would also find that K.S.A. 66-104 applies. As stated in *Lyon-Coffey Elec. Co-op, Inc. v. State Corp. Comm'n*, 29 Kan. App.2d 652, 657 (2001), “[I]f possible, a court should attempt to reconcile different provisions of an act so as to make them consistent, harmonious, and sensible.”

Another consideration is the language of KCP&L’s tariffs regarding resale and redistribution of power. KCP&L’s General Rules and Regulations, 9.04 provides,

**9.04 RESALE AND REDISTRIBUTION:**

Except as provided in Rules 9.06 and 9.07 hereof, the Company will not supply electric service to a Customer for resale or redistribution by the Customer.

(A) “Resale” shall mean the furnishing of electric service by a Customer to another person under any arrangement whereby the Customer makes a specific or separate charge for the electric service so furnished, either in whole or in part, and whether the amount of such charge is determined by submetering, estimating or rebilling as an additional, flat, or excess charge, or otherwise.

(B) “Redistribution” shall mean the furnishing of electric service by the Customer (i) to another building occupied by the Customer and located on the same premises of the Customer but used by the Customer for a separate business enterprise, or (ii) to separate premises occupied by another person, whether or not such premises are owned, leased or controlled by the Customer, without making a specific or separate charge for the electric service so furnished. With respect to any multiple-occupancy premises, the Company will not supply electric service to the owner, lessor, lessee or operator thereof, as the Customer of the Company, and permit redistribution by such Customer to his office or residential tenants therein, except for those premises being supplied such service on the effective date of this schedule. The restriction against “redistribution” may be waived by the Company where the operation of certain types of multiple occupancy premises, either in whole or in part, makes it impractical for the Company, in its sole discretion and judgment, to separately meter and supply electric service to each occupant as a Customer of the Company. Such exceptions may include:

(1) An operation catering predominantly to transients, such as hotels, motels, and hospitals;

(2) An operation where the individual dwelling quarters are not equipped with kitchen and bathroom facilities, such as recognized rooming houses, dormitories, old folks’ homes, orphanages and eleemosynary institutions;

(3) An operation of a building used essentially for general office or commercial purposes where the separate premises leased to office or commercial tenants are adjustable and subject to rearrangement or relocation to conform to the needs of the tenants and the Company deems it would be impractical to rearrange wiring to conform to any such changes;

(4) An operation of a transient mobile home court (see Rule 10.0-1) where electric service is supplied by the Company to the operator, as the Customer of the Company, pursuant to an applicable rule or rate schedule of the Company.

(C) In cases where redistribution is permitted under this Rule 9.04, the company will supply electric service to the owner, lessor, lessee, or operator of such multiple occupancy premises, as the Customer of the Company, under an applicable rate schedule and the Customer may, by redistribution, furnish electric service to his tenants in or on such multiple occupancy premises on a rent inclusion basis; i.e., as an incident of the tenancy and without a specific or separate charge for the electric service so furnished by the Customer to his tenant, or a variable rental on account thereof.

These provisions reflect an existing structure approved by the Commission that does not permit an entity to resell or redistribute KCP&L's power in situations similar to the EV charging station arrangement.

**D. Do any conflicts exist between current Kansas law and utility implementation of EV charging stations?**

As long as the power sold through the EV charging station is billed at tariffed rates approved by the Commission, there is no law specifically prohibiting the utility from owning and operating the charging stations.

**E. Is potential subsidization, if any, of EV charging station users, both KCP&L customers and those living outside the Kansas City metropolitan area, by non-EV charging station users lawful?**

There is no blanket prohibition against electric rate subsidies under Kansas law. Such subsidies have always existed in the rate designs adopted by the Commission. What is not



permitted are subsidies that result in rates that are *unjust*, or *unreasonably* discriminatory or *unduly* preferential. (K.S.A. 66-101b). The case most often cited on this issue is *Jones v. Kansas Gas and Electric Co.*, 222 Kan. 390, 565 P.2d 597 (1977), which stands for the proposition that “[T]he touchstone of public utility law is the rule that one class of consumers shall not be burdened with costs created by another class.”<sup>8</sup> In *Jones*, the Court considered the utility’s practice of assessing the same late penalty against all delinquent customers, regardless of the nature or character of their delinquency, and found that practice to be discriminatory and unfair because there was no justification for the imposition of the same charge on customers who caused different levels of collection costs to be incurred by the utility.

KCP&L’s EV charging stations are very different from the *Jones* issue. While some customers may not avail themselves of the stations, it is not unusual for the costs of providing service to be socialized among all utility customers even though not all of those customers directly make use of a particular service offered. An obvious example is energy efficiency programs which are designed to provide benefits system-wide even though it is true that not all customers subscribe to those programs. Similarly, KCP&L believes that its deployment of EV charging stations and resulting increased EV usage may produce a variety of benefits that would be realized by all customers in five specific areas, namely:

1. Beneficial Electrification: As opposed to EV charging stations owned and operated by multiple entities other than the serving electric utility, installation and operation of EV charging stations as part of the utility’s electric distribution system should facilitate efficient use of the electrical grid through increased sales during off-peak times, spreading the cost of operating and maintaining the grid over more kilowatt-hours without causing increased generation investment.

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<sup>8</sup> *Jones* at 401.

2. Environmental Benefits: Increased EV usage would displace fossil fuel vehicle usage, thereby reducing tailpipe emissions – including particulate matter and ozone emissions in addition to others.
3. Economic Development: Increased EV usage should spur regional economic development by attracting auto industry, EV industry and charging station companies to the Company’s service territory; it should also assist in local job creation resulting from increased household spending on local goods and services rather than gas at the pump; regional recruitment in competitive job categories such as STEM (science, technology, engineering and math) may also see a boost with increased EV usage in the Company’s service territory.
4. Customer Programs: As opposed to EV charging stations owned and operated by multiple entities other than the serving utility, installation and operation of EV charging stations as part of the utility’s electric distribution system should enable customer programs for cost-effective demand-side management, time-of-use rates and vehicle-to-grid battery storage and discharge.
5. Cost and Efficiency Benefits: As opposed to EV charging stations owned and operated by multiple entities other than the serving utility, installation and operation of EV charging stations as part of the utility’s electric distribution system should reduce the cost of equipment and installation while use of the utility as a standard payment platform should also reduce cost; such efficiencies should ease expansion of the system if deemed appropriate.

In light of these potential benefits to all customers, KCP&L believes it is fair and reasonable for the cost of EV charging stations to be borne by all customers.

Moreover, the tariff proposed by KCP&L in this docket involves rate design, as it relates to the energy service characteristics provided to customers and its effects on the utility system. Rate design is a function within which the Commission operates with a great deal of discretion. See *Midwest Gas Users Assoc. v. Kansas Corporation Comm'n*, 3 Kan. App. 2d 376, 595 P.2d 735 (1979); *Midwest Gas Users Assoc. v. Kansas Corporation Comm'n*, 5 Kan. App. 2d 653, 660, 623 P.2d 924 (1981) (“We do specifically adhere to the statement that the matter of rate design involves a policy decision which is legislative in nature, and the Commission’s orders in that regard demand utmost deference from the judicial branch.”). The Commission has been granted broad discretion and flexibility in establishing “just and reasonable rates.”<sup>9</sup>

The cost of providing a service is only the starting point for determining a just and reasonable rate. Other considerations are appropriate as well, including policy goals such as promoting a movement or change within the industry that benefits the public interest. Costs that are found to benefit the public interest as a whole are oftentimes socialized among all customers. Staff economist, Dr. Robert Glass, provided a thorough analysis on rate design considerations in KCP&L’s 2012 rate case in Docket No. 12-KCPE-764-RTS, explaining,

Because there is no mechanical method universally accepted to generate rates and because many other factors besides economic efficiency and subsidy free allocation influence rate design, rate design by its very nature is a subjective balancing of many different and changing objectives. Within this balancing act, rate design practitioners generally agree that CCOS [Class Cost of Service] is just a starting point and a guide, not the means to a mechanical rate design.<sup>10</sup> ...

The CCOS study, because it reflects cost causation, provides a starting point for rate design but is not the only objective of rate design. Staff, like Lutz in his

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<sup>9</sup> *Kansas Gas & Electric Co. v. State Corporation Comm'n*, 239 Kan. 483, 720 P.2d 1063 (1986).

<sup>10</sup> Direct Testimony of Robert Glass, filed Aug. 22, 2012, p. 4.

testimony, takes several different objectives into account when creating a rate design. These objectives include gradualism to minimize rate shock, revenue stability for the company, economic development, and energy efficiency.<sup>11</sup>

Thus, to the extent some customers who do not use the EV charging stations will have the costs of those stations included in their rate, it is lawful in Kansas.

Respectfully submitted,

*/s/ Robert J. Hack*

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**ATTORNEYS FOR  
KANSAS CITY POWER & LIGHT COMPANY**

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<sup>11</sup> Id. at 10.

**KANSAS CITY POWER & LIGHT COMPANY**

(Name of Issuing Utility)

Replacing Schedule \_\_\_\_\_ Sheet \_\_\_\_\_

Rate Areas No. 2 & 4

(Territory to which schedule is applicable)

which was filed \_\_\_\_\_

No supplement or separate understanding shall modify the tariff as shown hereon. Sheet 1 of 3 Sheets

**PUBLIC ELECTRIC VEHICLE CHARGING STATION SERVICE**

**Schedule CCN**

**PURPOSE:**

The Company owns electric vehicle (EV) charging stations throughout its Kansas service territory that are available to the public to charge their EVs. Such stations may be used by EV owners who reside either within the Company's Kansas service territory or outside the Company's Kansas service territory.

**AVAILABILITY:**

This rate schedule applies to all energy provided to charge EVs at the Company's public EV charging stations. EV charging service will be available at Company-owned charging stations installed at Company and Host locations. The EV charging stations are accessed by using a card provided to users with an established account from the Company's third party vendor.

**HOST PARTICIPATION:**

EV charging stations are located at Company and Host sites. A Host is an entity within the Company's Kansas service territory that applies for and agrees to locate one or more Company charging stations on its premises. Host applications will be evaluated for acceptance based on each individual site and application. Hosts must execute an agreement with the Company covering the terms and provisions applicable to the charging station(s) on their property if their application is approved. Hosts do not receive any compensation for locating charging stations at their premises.

The maximum number of charging stations identified by the Company for its Kansas service territory under this Schedule CCN is 350. The Company may not exceed 350 charging stations under this tariff without approval of the Commission.

**PROGRAM ADMINISTRATION:**

Charges under this Schedule CCN will be administered and billed through either the Company's third party vendor on behalf of the Company or directly by the Company depending upon the Payment Option chosen by the Host.

**PAYMENT OPTIONS:**

The charges applicable to any EV charging station session will include a combination of an Energy Charge for each kWh provided to charge an EV plus all applicable riders, surcharges, taxes and fees, plus an optional time-based Session Charge depending on the payment option chosen by the Host.

Issued: <u>February 16, 2016</u> Month Day Year	
Effective: <u>January 1, 2017</u> Month Day Year	
By: <u>/s/ Darrin R. Ives</u> Vice President Title	

**KANSAS CITY POWER & LIGHT COMPANY**

(Name of Issuing Utility)

Replacing Schedule \_\_\_\_\_ Sheet \_\_\_\_\_

Rate Areas No. 2 & 4

(Territory to which schedule is applicable)

which was filed \_\_\_\_\_

No supplement or separate understanding shall modify the tariff as shown hereon. Sheet 2 of 3 Sheets

There are two alternative payment options a Host may choose for EV charging stations. The Host agreement will identify the chosen payment option applicable to EV charging stations located on its premise. The EV charging station screen and third party vendor's customer web portal will identify the applicable Energy and Session Charges that will be the responsibility of the user at each EV charging station location.

Option 1: The Host pays the kilowatt-hour (kWh) Energy Charge including applicable riders, surcharges, taxes and fees, and the EV charging station user pays the Session Charge, if applicable.

Option 2: The EV charging station user pays the kilowatt-hour (kWh) Energy Charge including applicable riders, surcharges, taxes and fees, and, if applicable, the Session Charge.

**RATES FOR SERVICE:**

The EV charging station screen and third party vendor's customer web portal will identify the per kWh rate (Energy Charge plus applicable riders and surcharges) and Session Charge rate(s) applicable to that charging station and that will be the responsibility of the EV charging station user for that location.

**A. Energy Charge**

Per kWh as measured by the EV charging station meter or Company billing meter:

Level 2 Charging Station Energy Charge (Per kWh): \$0.1088

Level 3 Charging Station Energy Charge (Per kWh): \$0.1180

**B. Session Charge (Optional)**

EV Charging Station Session Charge (Per hour): \$0.00 - \$6.00

A Session shall be defined as the period of time an EV is connected to the charging station.

The Session Charge is an option that can be implemented at the discretion of the Host and Company within the following guidelines to promote improved utilization of the EV charging station(s) on its premise.

The optional Session Charge will be configured as either Charge-Based or Time-Based, at the discretion of the Host.

Charge-Based – A charge-based Session Charge would start when the EV has stopped charging (but is still connected to the charging station) plus a defined grace period. The grace period allows the user time to end the Charge Session and move the EV.

Issued: <u>February 16, 2016</u> <small style="display: flex; justify-content: space-around; width: 100%;">Month Day Year</small>	
Effective: <u>January 1, 2017</u> <small style="display: flex; justify-content: space-around; width: 100%;">Month Day Year</small>	
By: <u>/s/ Darrin R. Ives</u> <span style="float: right;"><u>Vice President</u></span> <small style="display: flex; justify-content: space-between; width: 100%;">Title</small>	

**KANSAS CITY POWER & LIGHT COMPANY**

(Name of Issuing Utility)

Replacing Schedule \_\_\_\_\_ Sheet \_\_\_\_\_

Rate Areas No. 2 & 4

(Territory to which schedule is applicable)

which was filed \_\_\_\_\_

No supplement or separate understanding shall modify the tariff as shown hereon. Sheet 3 of 3 Sheets

Time-Based – A time-based Session Charge would start at either the time of initial plug-in of the EV or a predefined time in an active Charge Session (e.g., two hours after initial plug-in) at the Host’s discretion. Also, at the discretion of the Host, the Session Charge rate may increase to a higher rate at a subsequent predefined time in an active Charge Session (e.g., four hours after initial plug-in).

Session Charges for fractional hours will be prorated. The Session Charge rate may not exceed \$6.00 per hour.

**ADJUSTMENTS AND SURCHARGES:**

The rates hereunder are subject to adjustment as provided in the following schedules:

- Energy Cost Adjustment (ECA)
- Energy Efficiency Rider (EER)
- Property Tax Surcharge (PTS)
- Transmission Delivery Charge (TDC)
- Tax Adjustment (TA)

ECA, EER, PTS and TDC adjustments are included in the \$/kWh All-In Energy Charge rates. The All-In Energy Charge rates will be adjusted as appropriate for changes in these adjustment mechanisms.

The rates above do not include tax adjustments pursuant to KCP&L’s Schedule TA (also referred to as Schedule 1). Tax adjustments will be added separately to the customer’s bill.

**BILLING:**

All users of the Company’s public EV charging stations must have an account with the Company’s third party vendor. Information on opening an account can be found on the Company’s website at <http://kcpl.chargepoint.com/>.

Any charges applicable to the EV charging station user under Payment Option 1 or 2 will be billed through the Company’s third party vendor. Any charge applicable to the Host under Payment Option 1 will be billed directly through the Company.

**REPORTING:**

The Company will provide the Commission with an annual report including EV charging station usage and revenue received on or before April 30 following each full calendar year Schedule CCN is in effect.

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By: <u>/s/ Darrin R. Ives</u> <span style="float: right;"><u>Vice President</u></span> <small style="display: flex; justify-content: space-between; width: 100%;">Title</small>	

## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above was electronically served, hand-delivered or mailed, postage prepaid, this 16<sup>th</sup> day of February, 2016 to:

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*/s/ Robert J. Hack*

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