

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

Received  
on  
**DEC 02 2013**  
by  
State Corporation Commission  
of Kansas

In the Matter of the Application of Kansas )  
City Power & Light Company for Approval )  
To Extend its Demand-Side Management ) Docket No. 14-KCPE-042-TAR  
Programs )

**JOINT MOTION TO LIFT STAY AND SET PROCEDURAL SCHEDULE**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (Staff and the Commission, respectively), Kansas City Power & Light Company (KCP&L), the Citizens' Utility Ratepayer Board (CURB) and the Climate and Energy Project (CEP) (collectively Joint Movants) respectfully request the Commission issue an Order (1) Lifting the Stay of this Proceeding, (2) Granting Intervenor Status to CURB and the CEP, and (3) Setting a Procedural Schedule. In support of this motion, Joint Movants state as follows:

**I. Background**

1. On July 18, 2013, KCP&L filed an Application requesting the Commission approve a two-year extension of its Demand Side Management (DSM) programs.<sup>1</sup>

2. Also on July 18, 2013, Joint Movants filed a Motion requesting, in part, that the Commission issue an Order "staying further consideration of the Application filed in this docket until evaluation, measurement, and verification ("EM&V") results become available."<sup>2</sup> The Commission granted the Joint Movants' request on August 1, 2013.<sup>3</sup>

3. Though further consideration in this docket had been stayed by the Commission's August 1, 2013 Order, CURB filed its Petition to Intervene in the docket on August 5, 2013, and

<sup>1</sup> Application of KCP&L for Approval to Extend its Demand-Side Management Programs, July 18, 2013.

<sup>2</sup> Joint Motion of Kansas City Power & Light Company, Commission Staff, and the Citizens' Utility Ratepayer Board for Stay of Proceeding and Interim Order, July 18, 2013, p. 1.

<sup>3</sup> Order Granting Joint Motion for Stay of Proceeding, Interim Order, and Appointing Prehearing Officer, August 1, 2013.

CEP filed its Request to Intervene in this docket on August 6, 2013.<sup>4</sup> The CURB and CEP intervention requests are still pending.

4. On July 26, 2013, Staff filed its Motion to Open Docket for Evaluation, Measurement, and Verification of KCP&L's Energy Efficiency Programs in Docket No. 14-KCPE-074-GIE (14-074 Docket).<sup>5</sup> On August 13, 2013, the Commission issued its Order Opening Docket for Evaluation, Measurement, and Verification of KCP&L's Energy Efficiency Programs.<sup>6</sup>

5. On October 31, 2013, Joint Movants filed a Joint Motion in the 14-074 Docket to Suspend Third-Party Evaluation, Measurement, and Verification Process Requirements for Kansas City Power & Light's Demand-Side Management Programs and Close Docket.<sup>7</sup> On November 21, 2013, the Commission issued its Order Granting Joint Motion to Suspend Third-Party EM&V Program and Closing Docket.<sup>8</sup>

## **II. Conclusions and Recommendations**

6. The present docket was stayed pending performance of third-party EM&V in the 14-074 Docket. In light of the Commission's decision to suspend third-party EM&V requirements for KCP&L's DSM programs, the Joint Movants submit it is appropriate to lift the stay in this docket and for the Commission to set a procedural schedule to consider this application. As noted in the Joint Movant's Motion in the 14-074 Docket, Staff and CURB both

---

<sup>4</sup> On August 16, 2013, KCP&L filed an objection to CEP's Request to Intervene. On August 29, 2013, CEP filed a response to KCP&L's objection. As noted in paragraph 4 of that response, KCP&L does not object to CEP's intervention in this docket as long as its participation is limited to the scope of the docket as presented by KCP&L's Application.

<sup>5</sup> Docket No. 14-KCPE-074-GIE, Motion to Open Docket for Evaluation, Measurement, and Verification of KCP&L's Energy Efficiency Programs, July 26, 2013.

<sup>6</sup> Docket No. 14-KCPE-074-GIE, Order Opening Docket for Evaluation, Measurement, and Verification of KCP&L's Energy Efficiency Programs, August 13, 2013.

<sup>7</sup> Docket No. 14-KCPE-074-GIE, Joint Motion to Suspend Third-Party Evaluation, Measurement, and Verification Process Requirements for Kansas City Power & Light's Demand-Side Management Programs and Close Docket, October 31, 2013.

believe they can effectively analyze KCP&L's Application in the current docket without third-party EM&V results.<sup>9</sup>

7. The Joint Movants request the Commission establish a procedural schedule to guide the remainder of proceedings in this docket. The Joint Movants propose the Commission adopt the following procedural schedule:

<u>Date</u>	<u>Time</u>	<u>Event</u>
July 18, 2013		Application Filed
May 20, 2014	5:00 p.m.	Staff Report and Recommendation (R&R)
June 10, 2014	5:00 p.m.	KCP&L and Intervenor Responses to Staff's R&R
June 24, 2014	5:00 p.m.	KCP&L, Staff, and Intervenor Replies
TBD	TBD	<b>Prehearing Conference</b> Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604 (if necessary)
TBD	TBD	<b>Evidentiary Hearing</b> Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604 (if necessary)
July 31, 2014		Commission Order Due

<sup>8</sup> Docket No. 14-KCPE-074-GIE, Order Granting Joint Motion to Suspend Third-Party EM&V Program and Closing Docket, November 21, 2013.

<sup>9</sup> Joint Motion to Suspend EM&V, ¶ 11.

8. As part of this Joint Motion, and to the extent necessary to accommodate the above-recommended schedule, KCP&L hereby expressly agrees to an extension of the time deadline of K.S.A. 66-117 in this docket until July 31, 2014.

WHEREFORE, Joint Movants respectfully request the Commission issue an Order (1) Lifting the Stay of this Proceeding, (2) Granting Intervenor Status to CURB and CEP, and (3) Setting a Procedural Schedule.

Respectfully submitted,



---

Andrew French, #24680  
Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604  
Phone: (785)-271-3361  
Fax: (785)-271-3167  
Email: a.french@kcc.ks.gov  
Attorney for Commission Staff

---

Glenda Cafer (KS #13342)  
Telephone: (785) 271-9991  
E-mail: glenda@caferlaw.com  
Terri Pemberton (KS #23297)  
Telephone: (785) 232-2123  
E-mail: terri@caferlaw.com  
Cafer Law Office  
3321 SW 6<sup>th</sup> Avenue  
Topeka, KS 66606  
Facsimile: (785) 233-3040  
Attorneys for Kansas City Power & Light Company

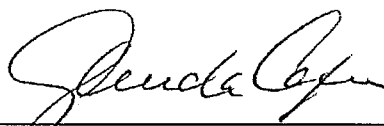
8. As part of this Joint Motion, and to the extent necessary to accommodate the above-recommended schedule, KCP&L hereby expressly agrees to an extension of the time deadline of K.S.A. 66-117 in this docket until July 31, 2014.

WHEREFORE, Joint Movants respectfully request the Commission issue an Order (1) Lifting the Stay of this Proceeding, (2) Granting Intervenor Status to CURB and CEP, and (3) Setting a Procedural Schedule.

Respectfully submitted,

---

Andrew French, #24680  
Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604  
Phone: (785)-271-3361  
Fax: (785)-271-3167  
Email: a.french@kcc.ks.gov  
Attorney for Commission Staff



---

Glenda Cafer (KS #13342)  
Telephone: (785) 271-9991  
E-mail: glenda@caferlaw.com  
Terri Pemberton (KS #23297)  
Telephone: (785) 232-2123  
E-mail: terri@caferlaw.com  
Cafer Law Office  
3321 SW 6<sup>th</sup> Avenue  
Topeka, KS 66606  
Facsimile: (785) 233-3040  
Attorneys for Kansas City Power & Light Company



David Springe, #15619

Niki Christopher, #19311

C. Steven Rarrick, #13127

Citizens' Utility Ratepayer Board

1500 SW Arrowhead Road

Topeka, KS 66604

Phone: (785) 271-3200

Fax: (785) 271-3116

Attorneys for the Citizens' Utility Ratepayer Board



for Robert V.  
Eye

Robert V. Eye, No. 10689

KAUFFMAN & EYE

123 S.E. 6th Avenue, Suite 200

Topeka, Kansas 66603-3850

785-234-4040 Phone

785-234-4260 Fax

bob@kauffmaneye.com

Attorney for Climate and Energy Project

**VERIFICATION**

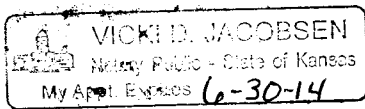
STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SHAWNEE            )

Andrew French, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Joint Motion to Lift Stay and Set Procedural Schedule* and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



\_\_\_\_\_  
Andrew French, #24680  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of December, 2013.



Vicki D. Jacobsen  
Notary Public

My Appointment Expires: 6-30-14

## CERTIFICATE OF SERVICE

14-KCPE-042-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing docket was served via electronic service this 2nd day of December, 2013, to the following:

GLENDA CAFER, ATTORNEY  
CAFER LAW OFFICE, L.L.C.  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY  
CAFER LAW OFFICE, L.L.C.  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
terri@caferlaw.com

NIKI CHRISTOPHER, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
n.christopher@curb.kansas.gov

C. STEVEN RARRICK, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
s.rarrick@curb.kansas.gov

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.smith@curb.kansas.gov

SHONDA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
sd.smith@curb.kansas.gov

DAVID SPRINGE, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.springe@curb.kansas.gov

HEATHER A. HUMPHREY, GENERAL COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
heather.humphrey@kcpl.com

ROGER W. STEINER, CORPORATE COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
roger.steiner@kcpl.com

MARY TURNER, DIRECTOR, REGULATORY AFFAIR  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2110  
mary.turner@kcpl.com



**CERTIFICATE OF SERVICE**

14-KCPE-042-TAR

BRIAN G. FEDOTIN, ADVISORY COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3314  
b.fedotin@kcc.ks.gov

ANDREW FRENCH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3314  
a.french@kcc.ks.gov

ROBERT V. EYE, ATTORNEY AT LAW  
KAUFFMAN & EYE  
123 SE 6TH AVE STE 200  
THE DIBBLE BUILDING  
TOPEKA, KS 66603  
Fax: 785-234-4260  
bob@kauffmaneye.com

  
\_\_\_\_\_  
Vicki Jacobsen