

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

In the Matter of the Application of Kansas City)
Power & Light Company for Approval of 2013)
Actual Cost Adjustment ("ACA"))

Docket No. 14-KCPE-405-ACA

NOTICE OF FILING OF CORRESPONDENCE

The Staff hereby files a letter sent to Roger W. Steiner, counsel for Kansas City Power & Light Company, attached hereto and made a part hereof by reference.

Respectfully submitted,



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Mark Sievers, Chairman
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Shari Feist Albrecht, Commissioner

Sam Brownback, Governor

March 27, 2014

Mr. Roger W. Steiner, Attorney
Kansas City Power & Light Company
One Kansas City Place
1200 Main St., 16th Floor
Kansas City, MO 64105

Re: KCC Docket 14-KCPE-405-ACA

Dear Mr. Steiner,

Commission records indicate that Kansas City Power & Light Company ("KCP&L") filed an application for Commission approval of its Actual Cost Adjustment factors under its Energy Cost Adjustment tariff.

Staff has reviewed KCP&L's filing and finds that it is unnecessary to propose a suspension order for Commission issuance. In *BOC Gases*, the Kansas Court of Appeals held that monthly ECA reports are not requests for a rate change, and as such, do not by themselves trigger the rate change procedure of K.S.A. 66-117.¹ *BOC Gases* also held, that "[t]he right to suspend an automatic ECA is inherent in the KCC's broad regulatory power. The reporting and monitoring system would lack efficacy without the authority to suspend a utility's ECA when improprieties are suspected."² Therefore, an ECA filing, by itself does not need a suspension order absent Commission concern of utility impropriety.

Staff believes the same rationale is applicable to the instant ACA filing. Therefore, because Staff does not at this time suspect impropriety on the part of KCP&L, Staff will not be proposing a suspension order for Commission issuance. Staff's understanding is that KCP&L will implement its proposed ACA factor as contained in its application on an interim basis subject to final Commission approval.

If you have any questions or concerns, please do not hesitate to contact me.

¹ *BOC Gases, a Subsidiary of BOC Group, Inc. v. State Corp. Comm'n of the State of Kan.*, 117 P.3d 151, at 10 (Kan. App. 2005) (unpublished).

² *Id.*

Respectfully,

A handwritten signature in black ink, appearing to read "Sam Feather", written over a horizontal line.

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CERTIFICATE OF SERVICE

14-KCPE-405-ACA

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Correspondence was served by electronic service on this 27th day of March, 2014, to the following parties.

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