

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Kansas)
City Power & Light Company to Make) Docket No. 15-KCPE-116-RTS
Certain Changes in Its Charges for Electric)
Service.)

Motion to Deny KCPL's Petition for Reconsideration

The Citizens' Utility Ratepayer Board (CURB) presents below its motion to deny the *Petition for Reconsideration of Kansas City Power & Light Company*, which was filed in this docket on April 15, 2015:

1. In its petition, Kansas City Power & Light (KCPL) requests reconsideration of the denial of the company's motion to file supplemental testimony in the Kansas Corporation Commission's *Order Denying KCP&L's Motion to File Supplemental Direct Testimony and Denying KCPL's Petition to Open General Investigation Docket*. (at ¶17, March 31, 2015). The Commission found that allowing KCPL to file supplemental testimony supporting a claim for costs relating to its Clean Charge Network would be prejudicial to the other parties and contrary to the public interest. (*Order*, at ¶¶16-17). The company now claims that the Commission's denial of its motion "will prejudice its ability to carry its burden of proof and compromise its due process rights."¶4.

2. In its motion, KCPL has offered no new argument for reconsideration, nor has it made a previous argument more persuasive. Having failed to offer a persuasive argument for permission to file supplemental testimony in its motion, its petition does not offer one, either. The company claims "prejudice" although the Commission's denial is a direct result of the company's choices.

3. KCPL has filed numerous rate cases in the past decade and one presumes it is gained some experience in the fine art of maximizing its opportunities for recovery of costs through judicious timing of certain expenditures within its control. If KCPL wants to maximize the chance that it will recover expenditures on a new and innovative venture, the company surely knows more effective ways to make a good case for a last-minute request for cost recovery than the path chosen by the company in this proceeding. The company freely chose to make a late filing during a tight procedural schedule, failed to discuss the proposed project with the Commission and the parties during the project's planning stage, failed to identify projected costs included in schedules, and asked for cost recovery of a project that at best has a tenuous relationship to the cost of service. Any utility with experience in rate proceedings at the Commission could have reasonably predicted the outcome. The responsibility for any so-called prejudice lays squarely on the choices made by KCPL.

4. But there is no prejudice here. The Commission has the discretion to defer an issue that would delay or disrupt the orderly completion of the docket, or to decide that it would be in the public interest to consider a new issue at a later date. Further, the Commission stated its willingness to consider a proposal from KCPL on the project after this rate case is concluded, so KCPL will have an opportunity to make its case for cost recovery of the project.

5. All of these actions are well within the Commission's authority and make for a reasonable result under the circumstances. The commission's statutory authorization to establish "just and reasonable" rates implies that the legislature authorized the Commission to take a flexible approach in exercising its complicated regulatory function. *Kansas Gas & Elec. Co. v. Kansas Corp. Comm'n*, 239 Kan. 483, 512 (1986). This decision took into account the interests of the utility, the ratepayers and the public, as well as the conditions that currently limit the Commission's ability to be

as flexible in allowing new issues to be added to this docket as it might have been under other circumstances. (*Kansas Gas & Elec.* at Syl. ¶2). The Commission's decision to deny the motion was reasonable, within its authority and supported by the facts.

6. KCPL did not present a persuasive argument for granting its motion when it was filed, and has not made a persuasive argument in its petition for reconsideration. Therefore, the Commission should deny the petition.

Respectfully submitted,




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VERIFICATION


STATE OF KANSAS)
)
) ss:
COUNTY OF SHAWNEE)

I, Niki Christopher, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.



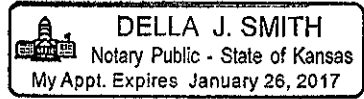
Niki Christopher

SUBSCRIBED AND SWORN to before me this 21st day of April, 2015.



Notary Public

My Commission expires: 01-26-2017.



CERTIFICATE OF SERVICE

15-KCPE-116-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 21st day of April, 2015, to the following parties:

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