

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

Kansas City Power & Light Company Docket Nos. ER03-997-000
ER03-997-001
ER03-997-002

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued May 6, 2005)

1. On March 15, 2005, Kansas City Power & Light Company (KCPL) filed a settlement which resolves all of the issues that were set for hearing. These issues involved the appropriate level of KCPL's proposed capacity charge applicable to the City of Independence, Missouri (City) under its Rate Schedule H-MPA-2, and the unbundling of transmission service from that rate schedule.¹ The Commission's Trial Staff filed comments in support of the settlement on March 25, 2005. On April 7, 2005, the presiding administrative law judge certified the settlement as an uncontested settlement.
2. The settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.
3. The rate schedules submitted as part of the settlement are in compliance with Order No. 614, *Designation of Electric Rate Schedule Sheets*, FERC Stats. & Regs., Regulations Preambles July 1966 – December 2000 ¶ 31,096 (2000), and are hereby accepted.

¹ *Kansas City Power & Light Company*, 107 FERC ¶ 61,304 at PP 37, 42 (2004).

4. This order terminates Docket Nos. ER03-997-000, ER03-997-001 and ER03-997-002.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

(S E A L)

Linda Mitry,
Deputy Secretary.

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Kansas City Power & Light Company

Docket Nos. ER03-997-000
ER03-997-001
ER03-997-002

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KELLY, Commissioner, *dissenting in part*:

For the reasons I have previously set forth in *Wisconsin Power & Light Co.*, 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I disagree with this order to the extent it approves a settlement that provides “[t]he standard of review for any modifications not agreed to by all Parties, including any modifications resulting from the Commission acting *sua sponte*, shall be the ‘public interest’ standard under the *Mobile-Sierra* Doctrine.”

Sudeen G. Kelly