

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

---

**COMPLETE TITLE OF CASE**

IN THE MATTER OF THE DETERMINATION OF CARRYING COSTS FOR THE PHASE-  
IN TARIFFS OF KCP&L GREATER MISSOURI OPERATIONS COMPANY

AG PROCESSING INC.,

Appellant,

v.

MISSOURI PUBLIC SERVICE COMMISSION and KCP&L GREATER MISSOURI  
OPERATIONS COMPANY,

Respondents.

---

**DOCKET NUMBER WD75437**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** May 14, 2013

---

**APPEAL FROM**

The Missouri Public Service Commission

---

**JUDGES**

Division Two: Mitchell, P.J., and Newton and Hardwick, JJ.

CONCURRING.

---

**ATTORNEYS**

Jeremiah D. Finnegan and Stuart W. Conrad, Kansas City, MO

Attorneys for Appellant,

Jennifer Heintz, Jefferson City, MO

Attorney for Respondent Public Service Commission,

Karl Zobrist, Lisa A. Gilbreath, and Roger W. Steiner, Kansas City, MO

Attorneys for Respondent KCP&L Greater Missouri Operations Company.

---



**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**IN THE MATTER OF THE** )  
**DETERMINATION OF CARRYING** )  
**COSTS FOR THE PHASE-IN TARIFFS** )  
**OF KCP&L GREATER MISSOURI** )  
**OPERATIONS COMPANY** )  
 )  
**AG PROCESSING INC.,** )  
 )  
 ) **Appellant,** )  
**v.** )  
 )  
**MISSOURI PUBLIC SERVICE** )  
**COMMISSION and KCP&L GREATER** )  
**MISSOURI OPERATIONS COMPANY,** )  
 )  
 ) **Respondents.** )

**OPINION FILED:**  
**May 14, 2013**

**WD75437**

**Missouri Public Service Commission**

**Before Division Two Judges:**

Karen King Mitchell, Presiding Judge, and Thomas H. Newton and Lisa White Hardwick, Judges

AG Processing Inc. (AGP) appeals an order approving tariffs issued by the Public Service Commission (PSC). AGP argues that the tariffs are unlawful and that the order approving tariffs is also unlawful and void, because: (1) the PSC lacked jurisdiction to issue the order due to existing writs of review filed in a related case; (2) the PSC failed to give proper notice to the public; (3) the PSC lacked authority to grant a phase-in rate increase that exceeded the amount requested by the utility; (4) the PSC failed to consider all relevant factors before granting the rate increase; and (5) the order approving tariffs was not supported by competent and substantial evidence.

**AFFIRMED.**

**Division Two holds:**

- (1) The PSC retained jurisdiction to determine carrying costs that apply to a previously approved general rate increase and phase-in, and to approve tariffs implementing the phase-in and carrying costs.
- (2) Because AGP did not comply with the requirements of section 386.500 and challenges issues not decided in the order approving tariffs, AGP failed to properly preserve the issues raised in this appeal.

**Opinion by: Karen King Mitchell, Presiding Judge**

May 14, 2013

\* \* \* \* \*

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.