

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Kansas City Power & Light)
Company’s Request for Authority to Implement) Case No. ER-2014-0370
A General Rate Increase for Electric Service)

**PUBLIC COUNSEL’S MOTION FOR
CLARIFICATION AND MOTION TO DECLASSIFY**

COMES NOW the Office of the Public Counsel (“Public Counsel”) and for its Motion for Clarification and Motion to Declassify states:

1. On June 23, 2014, the Midwest Energy Consumers’ Group (“MECG”) and Public Counsel filed a Joint Motion to Declassify Testimony, which requested the declassification of the total amount of rate case expense on a specific vendor basis and the hourly rates charged by KCPL’s outside attorneys.

2. On July 1, 2015, the Commission issued its Order Regarding Motion to Declassify Testimony (“Order”) wherein the Commission ordered:

The joint motion to declassify testimony filed by Midwest Energy Consumers Group and the Office of the Public Counsel on June 23, 2015, is denied, except that information related to the total rate case expense incurred by Kansas City Power & Light Company and the hourly rates of its outside attorneys is declassified and subject to public disclosure.

3. Public Counsel seeks clarification of this language. Public Counsel interprets this language to order the declassification of the hourly rates charged and the total rate case expense incurred by KCPL for the outside attorneys. KCPL has indicated to Public Counsel that KCPL interprets the Order to declassify only the hourly rates charged for outside attorneys and the total of *all* rate case expenses combined. However, the total of all combined rate case expenses was never a classified figure and cannot be declassified. The total rate case expense incurred by

KCPL for the outside attorneys, on the other hand, was listed as a classified number in Mr. Addo's testimony. Accordingly, Public Counsel seeks clarification from the Commission that the total rate case expense incurred by KCPL, as stated in the Order, refers to the total rate case expense incurred by KCPL for the outside attorneys.

4. To interpret the Order to mean that its intention was to declassify a number that was already publicly available, and was never designated as confidential, would necessarily require one to conclude that the Order was in error. Mr. William Addo's surrebuttal testimony made the total company rate case expense figure of \$368,043.17 publicly available on June 5, 2015.¹ The only interpretation that provides any meaning to the language used by the Commission in its Order is that the declassification of the "total rate case expense incurred" by KCPL refers to the total rate case expense incurred by KCPL for the outside attorneys.

5. Public Counsel's interpretation of the Order is supported by the absence of any reason to maintain highly confidential classification on the total rate case expense for the outside attorneys while at the same time disclosing their hourly rates. Public Counsel recently requested a reason from KCPL for maintaining a highly confidential designation on the total rate case expense incurred for outside attorneys, but KCPL did not provide Public Counsel with any explanation. Moreover, the disclosed hourly rates charged by the attorneys are far more meaningful to the public if the public also understands the full extent to which KCPL retained and used outside attorneys to present its case to the Commission.

6. If the Commission concurs with Public Counsel's interpretation, Public Counsel seeks further clarification as to whether the total rate case expense incurred by KCPL for the outside attorneys is declassified for each law firm's total bill, or if the expense is declassified in

¹ Mr. Addo updated the total company rate case expense figure to \$534,180.06 in his July 7, 2015 True-Up Direct Testimony.

the aggregate for both outside law firms combined. The total rate case expense incurred by KCPL through May 2015 for the law firms Dentons US, LLC and Fischer & Darity is ***\$_____*** and ***\$_____*** respectively.² In the aggregate, the total rate case expense incurred by KCPL for outside attorneys is ***\$_____***.³

7. If the Commission determines that its Order did not intend to declassify the total rate case expense incurred by KCPL for the outside attorneys, Public Counsel moves the Commission to lift the highly confidential designations on the total rate case expense incurred by KCPL for the outside attorneys.

WHEREFORE, the Office of the Public Counsel respectfully requests that the Commission clarify that its Order Regarding Motion to Declassify Testimony declassified the total rate case expense incurred by KCPL for the outside attorneys, or in the alternative, order the declassification of the total rate case expense incurred by KCPL for the outside attorneys.

By: /s/ Marc D. Poston
 Marc D. Poston (#45722)
 Chief Deputy Counsel
 P. O. Box 2230
 Jefferson City MO 65102
 (573) 751-5558
 (573) 751-5562 FAX
marc.poston@ded.mo.gov

² William Addo True-Up Direct Testimony, p. 9, HC, filed July 7, 2015. These figures are not final in that they are to be trued up through August 12, 2015.

³ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 10th day of July 2015.

/s/ Marc Poston
