BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the matter of the Future Supply,)	
Delivery and Pricing of the Elec-)	EW-2004-0596
tric Service Provided by Kansas)	
City Power & Light Company.)	

MOTION TO DECLASSIFY MATERIALS

COMES NOW PRAXAIR, INC. ("Praxair") and moves that materials provided by Kansas City Power & Light Company ("KCPL") and marked as "Proprietary" or "Highly Confidential" be declassified and in support thereof states:

- 1. On September 29, 2004, in connection with this workshop proceeding, at KCPL's request the Commission issued a protective order.
- 2. Pursuant to that protective order, participants in these workshops have submitted non-disclosure agreements and respected the confidentiality of materials designated as "Proprietary" or "Highly Confidential" by KCPL without known challenge.
- 3. On February 4, 2005, the Kansas City Business Journal published an article ("Article") concerning KCPL's proposals. The Kansas City Business Journal is a newspaper of general circulation to the public in the Kansas City, Missouri and surrounding area. Its distribution is not limited only to

those persons who have signed a non-disclosure agreement pursuant to the protective order herein. $^{\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!^{1/}}$

- 4. According to the Article, the "proposal put forth by KCP&L" includes:
- a. Building an 800- to 900- megawatt coal-fired plant near Iatan, MO., 38 miles north of downtown Kansas City;
- b. Investment in as much as 200 megawatts of wind power;
- c. Environmental upgrades at existing plants of as much as \$350 million so as to "meet emissions standards ahead of schedule";
- d. Development of energy conservation programs and technologies.
- 5. In addition, several persons were quoted that "their plan is the right thing for the city," [attributed to Bob Marcusse], that "we have supported what they are proposing" [attributed to Jody Craig], and that "[i]t's the right thing to do." [attributed to Lee Derrough]. Other persons unidentified in the article are stated to have been involved in the planning process.

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 $[\]dot{\underline{\cdot}}^{1/}$ A copy of the Kansas City Business Journal article is attached hereto as Exhibit A and incorporated herein by reference.

 $[\]stackrel{2}{\cdot}$ Emphasis added to all quotations.

- 6. Further, the article states that KCPL "is asking Kansas City-area business and community groups" to "go to bat for the plan itself."
- 7. None of the persons identified in the Article have submitted and filed non-disclosure agreements under the protective order.
- 8. If KCPL has made full and complete disclosure to these persons of all the information pertinent to its plans that it continues to maintain is either "Proprietary" or "Highly Confidential," it has thereby disclosed this information to the public domain.
- 9. It seems unlikely and somehow unreasonable that KCPL would request that these persons make supportive statements and submit supportive communications to the Commission (as is reported in the article) without having made full disclosure to them of the confidential details of its plans that it has thus far wished to keep from public disclosure. If it has done so, then KCPL has made public disclosure of these materials and they are, by definition, no longer entitled to protection as "Proprietary" or "Highly Confidential" materials.
- 10. It would also seem that selective disclosure of the details of these plans to persons who are supportive of the plans while leaving other participants and the public at large unable to review or comment on the confidential details of these plans is inappropriate and asymmetrical. On the other hand, if

KCPL has not fully disclosed all confidential details of its plans to the persons noted in the Article, it would seem that their statements of support may have been provided upon incomplete or inadequate information and these persons have unwittingly been placed in an uncomfortable position of having announced support for a plan the full confidential details of which they have not seen.

- 11. As a result, all the materials previously marked as "Proprietary" or "Highly Confidential" should have that designation removed and should be spread of public record together with any previously-designated *in camera* portions of any transcripts of presentations to the Commission.
- 12. Alternatively, if it still maintains that selected portions of its information are "Highly Confidential" or "Proprietary" and have not been disclosed to the identified individuals, KCPL should be required forthwith to redesignate as "Highly Confidential" or "Proprietary" any such details of its proposed plans that it has not made available to these persons or groups identified in the Article or to any other person or group who has not submitted a non-disclosure agreement pursuant to the protective order but has been solicited by KCPL to "go to bat for the plan."

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WHEREFORE materials previously marked as "Proprietary" or "Highly Confidential" in this proceeding should forthwith be declassified and made available to the public.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

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ATTORNEYS FOR PRAXAIR, INC.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means or by U.S. mail, postage prepaid, addressed to the legal representatives of all parties and participants that have been identified as parties and participants on the Commission's EFIS System as of this date.

Stuart W. Conrad

Dated: February 8, 2005

NORTHPOINTE

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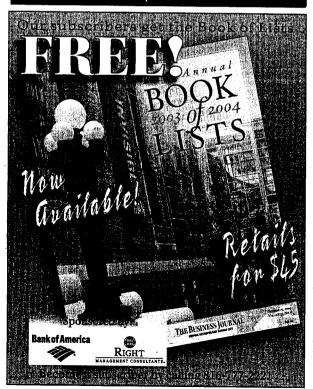
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KCP&L enlists business leaders to publicly support energy plan

BY STACY COHEN CONTRIBUTING WRITER

One good turn deserves another — or so Kansas City Power & Light Co. hopes.

The company is asking Kansas City-area businesses and community groups that helped draft its billion-dollar proposal for new energy sources to go to bat for the plan itself.

For more than a year, KCP&L listened to the concerns of area businesses and community groups in drafting its proposal, which includes a coal-fired power plant in Platte County.

Although the proposal has attracted opposition from some residents, the company's lengthy and personal grass-roots effort has made some business and community leaders among the proposal's biggest supporters.

The company hopes those leaders will now be its most effective advocates to help market the plan to other businesses and the public.

The proposed power plant has drawn criticism from groups, including the Sierra Club and Concerned Citizens of Platte County Inc.

"Coal technology is dirty and polluting, and it's really getting outdated," said Carla Klein, director of the Missouri Ozark Chapter of the Slerra Club. "We really think that there are better options to be looking at."

Concerned about health and environmental risks, Concerned Citizens of Platte County has led protest demonstrations and aunched a Web site (www.tellkcplno.org) in opposition to the power plant. The group also is collecting signatures for a petition and encouraging people to contact elected officials and write letters to the editors of local newspapers.

KCP&L supporters also are wielding ink and paper in the battle for public opinion.

Lee Derrough, president and CEO of Hunt Midwest Enterprises, submitted a letter to the editor of a local newspaper in December, touting the benefits of KCP&L's plan and the need for reliable and affordable energy.

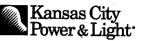
Although he penned the letter after being asked by the company to show public support for the proposal, Derrough said, "I would have done it even if they hadn't asked. It's the right thing to do. You can't have growth if you don't have a good source of electric power."

Several Hunt Midwest employees represented the company at a series of meetings in early 2004 by KCP&L to discuss energy ideas with business and industry leaders. Derrough said he thought KCP&L was looking to the future to prevent energy problems other cities have experienced.

Although plans have yet to be finalized, the proposal put forth by KCP&L, a subsidiary of Great Plains Energy Inc., includes:

• Building an 800- to 900-megawatt coalfired plant near Iatan, Mo., 38 miles north of Downtown. KCP&L would own as much as 500 megawatts. Joplin-based Empire District Electric Co. has shown interest in buying the rest.

 Investment in as much as 200 megawatts of wind power.



- Environmental upgrades at existing plants of as much as \$350 million to meet emissions standards ahead of schedule.
- Development of energy-conservation programs and technologies geared toward making electricity affordable to low-income families.

KCP&L spokesman Tom Robinson said KCP&L has given more than 100 presentations in the past year to community groups, including city councils and civic organizations.

"We gave presentations to anybody who was interested. We wanted to gain feedback and educate and inform as many people as we could about our proposal," Robinson said.

"When we came across people who were supportive, we encouraged them to share that, whether it be with a letter to the editor or in some other way. We certainly have encouraged all of the stakeholders to share their views."

After taking part in the early planning process, Bob Marcusse, president and CEO of the Kansas City Area Development Council, said he was pleased to share his support of KCP&L's proposal as a guest columnist in August in The Business Journal.

"I thought it was the right thing to do because I think their plan is the right thing for the city." Marcusse said. "Electricity is something we take for granted. It's something that's very important to the future of our community, our economy and our way of life."

Marcusse said he hoped that other business leaders would show support for the plan as well.

At the Mid-America Regional Council, that support took the form of a letter to the Missouri Public Service Commission and statements during the council's public meetings.

Jody Craig, MARC public affairs coordinator, attended KCP&L's planning sessions in 2004 to see how the company's plans might affect the region in terms of air quality because studies had shown utility plants to besignificant sources of emissions problems.

"We have supported what they are proposing because, from our viewpoint, these retrofits to the existing plants, along with some of the energy conservation measures, are the biggest factor in decreasing the amount of emissions generated in the region," Craig said.

Craig said she was not surprised by the public support for the proposal from other people in the business community.

"A decision made by one company or one institution has multiple impacts across a community, even across a region," she said. "It's natural for other companies to have opinions about those actions. No company operates in a vacuum."

STACY COHEN is a freelance writer in the Kansas City area.

EXHIBIT A