

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Joint Applica-	)	
tion of Great Plains Energy Incor-	)	
porated, Kansas City Power & Light	)	
Company, and Aquila, Inc., for	)	EM-2007-0374
Approval of the Merger of Aquila,	)	
Inc., with a Subsidiary of Great	)	
Plains Energy Incorporated and for	)	
Other Related Relief	)	

INDUSTRIAL INTERVENORS' MOTION FOR STAY OF REPORT AND ORDER  
OF JULY 1, 2008

REQUEST FOR EXPEDITED CONSIDERATION OF MOTION FOR STAY

COME NOW the SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIA-  
TION ("SIEUA"), AG PROCESSING INC A COOPERATIVE ("AGP") and  
PRAXAIR, INC ("Praxair") (collectively "Industrial Intervenor")  
and move that the commission stay the effectiveness of its Report  
and Order of July 1, 2008 issued in the matter and in support  
thereof state:

1. Industrial Intervenor incorporate by reference as  
though fully set forth herein each paragraph of their Application  
for Rehearing filed in this matter on July 12, 2008.

2. KCPL/GPE and Aquila have stated their intent and  
determination to make potentially irreversible changes to both  
utilities beginning the morning of July 14, 2008.<sup>1/</sup> Indeed,

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<sup>1/</sup> See, Joint Response of Great Plains Energy Incorporated,  
Kansas City Power & Light Company and Aquila, Inc. in Opposi-  
(continued...)

these entities appear to have already commenced certain changes including the discharge and reassignment of numerous employees taken other steps in apparent anticipation of the commission's Report and Order even though to do so in advance of the effective date of an order permitting such actions violates the explicit provisions of Section 393.190.

3. For the reasons stated in Industrial Intervenors' Application for Rehearing, the commission committed numerous errors of law and fact that result in its July 1, 2008 Report and Order resulting in that Order being invalid, void and otherwise a legal nullity. Regardless, during the process of judicial review, KCPL/GPE and Aquila appear to have decided upon a course of action intended to nullify Industrial Intervenors' rights to obtain effective judicial review by taking steps to implement their business combination while such review proceeds, thereby setting up the specious argument that judicial review cannot be effective because the transaction cannot be undone.

4. In that sense, this case is not like the typical rate case where, at least in some instances, a matter may be rectified by fund transfers.

5. Accordingly, a stay of the commission's Report and Order is necessary until such time as the commission rules upon the pending Applications for Rehearing.

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<sup>1/</sup>(...continued)  
*tion to Motion for Extension of Effective Date*, filed July 8, 2008.

# REQUEST FOR EXPEDITED TREATMENT

6. Industrial Intervenors seek this stay within the limited period of time provided by the commission. This was the commission's choice and these parties have sought relief as soon as possible given that schedule and the size of the Report and Order.

7. Given the imminence of the date on which KCPL/GPE and Aquila have stated their intent and determination to seek to close their merger, the need for expedient ruling on this Motion for Stay is or should be apparent. Moreover, any time for response should be shortened. Alternatively, KCPL/GPE and Aquila could unilaterally defer the closing of their merger until the commission rules on pending Applications for Rehearing.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR SEDALIA INDUSTRIAL  
ENERGY USERS' ASSOCIATION, AG PRO-  
CESSING INC A COOPERATIVE, AND  
PRAXAIR, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Pleading by U.S. mail, postage prepaid or by electronic mail addressed to all parties by their attorneys of record as provided by the Secretary of the Commission.

  
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Stuart W. Conrad

Dated: July 12, 2008