

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

In the Matter of the Application of Kansas City  
Power & Light Company for Approval to Make  
Certain Changes in its Charges for Electric  
Service to Continue the Implementation of its  
Regulatory Plan )

**Case No. ER-2009-0089**  
**Tariff No. JE-2009-0192**

**NOTICE REGARDING TREATMENT OF NON-UNANIMOUS**  
**STIPULATIONS AND AGREEMENTS**

Issue Date: May 4, 2009

On April 20,<sup>1</sup> the Commission convened an evidentiary hearing for this matter. The hearing was scheduled to conclude on May 1. On April 20, at the request of the parties, the Commission recessed to allow the parties to engage in settlement discussions. Similarly, on April 21, the Commission recessed the hearing to allow further negotiations. After completing their discussions, numerous parties announced their intention to file a stipulation and agreement settling all issues in this matter.<sup>2</sup> Because the proposed settlement was pending, the Commission suspended the remainder of the evidentiary

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<sup>1</sup> All dates throughout this order refer to the year 2009 unless otherwise noted.

<sup>2</sup> The parties in attendance on April 21 included Kansas City Power and Light Company, the Staff of the Missouri Public Service Commission, the Office of the Public Counsel, Praxair, Inc., the Midwest Energy User's Association, the U.S. Department of Energy, the National Nuclear Security Administration, the Federal Executive Agencies, the Hospital Intervenors, The Empire District Electric Company and Missouri Gas Energy. No other parties were present at the evidentiary hearing on April 21. Not all of the parties present intended to be signatories to the agreement.

hearing and set a schedule for the filing of the agreement, for filing responses to the non-unanimous agreement and for filing any requests to continue the evidentiary hearing.

On April 24, Kansas City Power and Light Company (“KCPL”) filed a Non-Unanimous Stipulation and Agreement to resolve all issues in this case (“Global Agreement”). KCPL, the Staff of the Missouri Public Service Commission, the Office of the Public Counsel, Praxair, Inc., the Midwest Energy User’s Association, the U.S. Department of Energy, the National Nuclear Security Administration, the Federal Executive Agencies, Ford Motor Company, the Missouri Industrial Energy Consumers and the Missouri Department of Natural Resources are all signatories to the Global Agreement. Also on April 24, the KCPL filed a separate Non-Unanimous Stipulation and Agreement Regarding Pensions and Other Post Employment Benefits (“Employment Agreement”). KCPL and the Commission’s Staff are the signatories to the Employment Agreement.

The Commission issued multiple notices regarding the Agreements and, as previously noted, set a deadline for filing objections and for requesting resumption of the evidentiary hearing.<sup>3</sup> No party opposed the Agreements or requested the resumption of the evidentiary hearing, and failure to file a timely objection constitutes a full waiver of that party’s right to a hearing.<sup>4</sup> Additionally, because no party has objected to the Agreements, the Commission shall treat the Non-Unanimous Agreements as being Unanimous Agreements.<sup>5</sup>

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<sup>3</sup> Transcript, Volume 12, pp. 268-269, April 21, 2009; EFIS Docket Entry No. 263, *Notice And Order Suspending Evidentiary Hearing, Setting Deadlines For Filings And Setting Deadline For Requesting A Hearing*, issued April 21, 2009; EFIS Docket Entry No. 268, *Notice And Order Resetting Deadlines For Filings, Adding Additional Deadlines and Resetting Deadline For Requesting A Hearing*, issued April 27, 2009.

<sup>4</sup> See Commission Rule 4 CSR 240-2.115(2)(B).

<sup>5</sup> See Commission Rule 4 CSR 240-2.115(2)(C).

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 4th day of May, 2009.

Stearley, Senior Regulatory Law Judge,