

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

The Staff of the Missouri Public
Service Commission,

Complainant,

vs.

KCP&L Greater Missouri Operations
Company and Kansas City Power &
Light Company,

Respondents.

Case No. EC-2009-0430

**STAFF'S RESPONSE TO RESPONDENTS'
MOTION FOR SUMMARY DETERMINATION**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its Response to Respondents' Motion for Summary Determination, states as follows:

Introduction

This matter concerns Respondents'¹ conduct of doing business under an unregistered and unauthorized fictitious name. As allowed by Commission rule and the procedural schedule adopted in this case, Respondents have moved for summary determination. Commission Rule 4 CSR 240-2.117(1)(C) concerns responses in opposition to motions for summary determination and provides:

(C) Not more than thirty (30) days after a motion for summary determination is served,² any party may file and serve on all parties a response in opposition to the motion for summary

¹ Respondents are KCP&L Greater Missouri Operations Company, Inc. ("GMO") and Kansas City Power & Light Company, Inc. ("KCPL").

² In this case, the Commission set the date for response in its procedural order.

determination. Attached thereto shall be any testimony, discovery or affidavits not previously filed that are relied on in the response. The response shall admit or deny each of movant's factual statements in numbered paragraphs corresponding to the numbered paragraphs in the motion for summary determination, shall state the reason for each denial, shall set out each additional material fact that remains in dispute, and shall support each factual assertion with specific references to the pleadings, testimony, discovery, or affidavits. The response may also have attached thereto a legal memorandum explaining why summary determination should not be granted.

Staff's Response to Respondents' Undisputed Facts

As required by Commission Rule, Respondents filed both a motion and a legal memorandum supporting the motion. The motion consists of 24 numbered paragraphs³ and one of them – Paragraph 6 – includes 15 numbered sub-paragraphs. It is these 15 numbered sub-paragraphs that contain the undisputed material facts upon which Respondents rely in seeking summary determination and which Commission Rule 4 CSR 240-2.117(1)(C) requires Staff to admit or deny. Staff's response to each of Respondents' assertions of undisputed material fact is set out immediately below:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.

³ Numbered 1 through 6 and 15 through 32, evidently through error. There are no Paragraphs 7 through 14.

8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.

The other paragraphs of Respondents' motion contain both argument and some additional assertions of fact, which track the contents of Respondents' memorandum of law very closely. Staff will address those matters in its own legal memorandum.

WHEREFORE, having fully responded to Respondents' assertions of undisputed material facts, Staff prays that the Commission will enter summary determination for it on its Complaint and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/S/ KEVIN A. THOMPSON

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served by electronic mail on this **16th day of October, 2009**, upon counsel for each of the parties hereto according to the attached service list maintained for this case by the Secretary of the Commission.

/s/ Kevin A. Thompson