

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

NOTICE AND ORDER REGARDING ISSUES AND WITNESS LIST

Issue Date: April 13, 2009

Effective Date: April 13, 2009

On November 20, 2008, the Commission issued an order setting the procedural schedule for this matter. The order, *inter alia*, required the parties to jointly file a list of issues that the parties believe the Commission must rule upon, and a list of witnesses and the proposed order in which they would be called at the evidentiary hearing. The deadline for the issues list was April 10, 2009, and on April 8, 2009, the Commission issued a notice and order clarifying that the witness list was to be filed in conjunction with the issues list. April 10, 2009, has come and gone and no party complied with the Commission's orders. The evidentiary hearing is rapidly approaching.

Because the parties have apparently been unable to agree as to what should constitute the issues that require decision, the Commission shall direct its Staff and Kansas City Power and Light Company to file separate issues lists. This will not relieve the parties of their obligation to file a joint issues list, nor does it alleviate the possibility that the parties face sanctions by the Commission for their non-compliance. To the extent that agreement on the issues and witness list cannot be reached, the Commission shall direct briefing.

The Commission makes clear that regardless of what the parties may consider to be issues in this matter, any list of issues submitted to the Commission merely

serves as a guide and structure for adducing testimony. It is recognized that that the parties' framing of the issues may not accurately reflect the material issues to this matter under the applicable statutes and rules, and the parties may not include all of the issues that the Commission finds material to its final decision.

IT IS ORDERED THAT:

1. No later than 5:00 p.m. on Monday, April 13, Kansas City Power and Light Company shall file a proposed issues and witness list for the evidentiary hearing set to begin on April 20, 2009.

2. No later than 5:00 p.m. on Monday, April 13, the Staff of the Missouri Public Service Commission shall file a proposed issues and witness list for the evidentiary hearing set to begin on April 20, 2009.

3. Any other party wishing to file a separate proposed issues and witness list for the evidentiary hearing set to begin on April 20, 2009, shall file their list no later than 9:00 a.m. on Tuesday, April 14, 2009.

4. The Staff of the Missouri Public Service Commission shall brief, for the Commission, the differences between the issues and witness lists filed by it and Kansas City Power and Light Company. The brief shall state, with particularity, why Staff believes each of listed issues requires the Commission's decision and why each issue listed by Kansas City Power and Light Company requires, or does not require, the Commission's decision. Staff shall file its brief no later than 9:00 a.m. on Wednesday, April 15, 2009.

5. Kansas City Power and Light Company shall file a reply brief to the brief ordered in paragraph 4, *supra*, no later than 5:00 p.m. on Thursday, April 16, 2009.

6. Until directed otherwise, the all of the parties to this action shall plan on having all of their witnesses present at the Commission's offices in Jefferson City, Missouri and available to provide testimony on April 20, 2009.

7. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(SEAL)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of April, 2009.