

**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 Implement its Regulatory)
Plan.)

Case No. ER-2009-0089

**STAFF’S RESPONSE TO APRIL 13, 2009
NOTICE AND ORDER REGARDING ISSUES AND WITNESS LIST
AND MOTION FOR LEAVE TO FILE LATE**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and states:

1. On April 13, 2009 the Commission issued its *Notice and Order Regarding Issues and Witness List* in which it, *inter alia*, ordered Staff to:

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.

2. The Staff has compared the list of issues of KCPL and the Staff. KCPL’s listing includes issues of other parties not included in Staff’s listing. The Staff stated in its April 13, 2009 pleading with which it provided a list of issues, “This pleading has not been fully vetted with the parties in this case and is only the Staff’s best effort at this time to capture issues in this case and associated witnesses. The Staff does not assert this listing of issues is complete, even as to the Staff’s issues, and certainly not as to other parties, but it is the best the Staff is able to do and meet the 5:00 p.m. filing deadline ordered by the Commission today” and “The Staff anticipates updating this list of issues, list of witnesses and order of cross-examination.”

3. Based on its comparison of the lists of issues, the Staff believes the overarching issues in the case are captured in both. Differences the Staff noted are that KCPL’s list includes

issues of the Missouri Department of Natural Resource and the City of Kansas City that are not included in Staff's list filed on April 13, 2009. The Staff and KCPL appear to be in agreement as to the issue areas and generally are in agreement as to the subissues. For example, the Staff and KCPL are in agreement that Fuel and Purchased Power Expense and Off-System Sales Margins are an issue area. They are in general agreement as to how the subissues should be stated, are in agreement who the witnesses are and when they should appear. There are some disagreements on the characterization of the subissues

4. The Staff will present its positions on the issues in its position statements.

5. The Staff was unable to comply with the 9:00 a.m. filing deadline ordered by the Commission, but has filed this pleading as soon as it could. No party should be unduly prejudiced by the short delay in this filing.

WHEREFORE, the Staff submits the foregoing as its response to the Commission's April 13, 2009 *Notice and Order Regarding Issues and Witness List and Motion for Leave to File Late*.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 15th day of April, 2009.

/s/ Nathan Williams_____