

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 1st day of July, 2015.

I In the Matter of Kansas City Power & Light)	<u>File No. ER-2014-0370, et al.</u>
Company's Request for Authority to Implement a)	YE-2015-0194
General Rate Increase for Electric Service)	YE-2015-0195

ORDER REGARDING MOTION TO DECLASSIFY TESTIMONY

Issue Date: July 1, 2015

Effective Date: July 1, 2015

On June 23, 2015, the Midwest Energy Consumers Group and the Office of the Public Counsel ("Movants") filed a Joint Motion to Declassify Testimony and Request for Expedited Treatment. The motion requests Commission action by July 1, 2015 to change the highly confidential classification of certain portions of the testimony of William Addo and make that testimony subject to public disclosure. The testimony at issue is a table on page 25 of Mr. Addo's surrebuttal testimony that shows Kansas City Power & Light Company's ("KCPL") expenditures for this proceeding for each vendor providing service to KCPL and a table on page 27 of Mr. Addo's surrebuttal testimony that lists the hourly rate charged by KCPL's outside attorneys. KCPL filed a response to the motion on June 25, 2015.

Movants argue that under the Missouri Sunshine Law the above-described information should be declassified because the public policy of the state is that records of public governmental bodies should be open to the public and exceptions to this policy

should be strictly construed.¹ Movants also argue that the testimony does not meet the definition of highly confidential information set forth in Commission Rule 4 CSR 240-2.135(1)(B), that other utilities do not attempt to keep their attorneys' rates confidential, and that KCPL ratepayers and the general public deserve to have access to this information.

KCPL points out that the Missouri Sunshine Law is not applicable because KCPL is not a "public governmental body", and Section 386.480, RSMo, states that information provided by public utilities is not to be disclosed publicly absent a specific Commission order requiring disclosure. KCPL argues that the testimony at issue does meet the definition of highly confidential information in Commission Rule 4 CSR 240-2.135(1)(B) because it is "[m]arketing analysis or other market-specific information relating to services offered in competition with others" or "[m]arketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers".

KCPL states that there are public policy reasons to protect this information from public disclosure. If pricing information of all services provided to a utility is made public, it would negatively affect the ability of that utility to negotiate favorable pricing, terms and conditions, to the detriment of ratepayers. Also, preventing disclosure of this information protects the service providers engaged to work on the case by not compromising their ability to compete with others to undertake engagements with utilities. Finally, KCPL offers a compromise position by suggesting that the Commission refuse to declassify the billing information of each individual service provider, but make public the total rate case expense incurred by KCPL and the hourly rates of its outside attorneys.

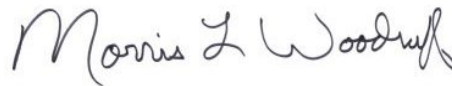
¹ Section 610.011.1, RSMo 2000.

Commission Rule 4 CSR 240-2.135(12) provides the Commission may change the classification of information designated as highly confidential after a motion challenging that designation. After considering the arguments of the parties, the Commission concludes that the designation of the portions of the Addo surrebuttal testimony described above falls within the definition of highly confidential information contained in Commission Rule 4 CSR 240-2.135(1)(B) and that the public policy of transparency should be balanced with the potential for harm to others, including ratepayers, that may result from disclosure. Therefore, the Commission will deny the motion except for the information KCPL suggests should be publicly disclosed relating to the total rate case expense incurred by KCPL and the hourly rates of its outside attorneys.

THE COMMISSION ORDERS THAT:

1. The joint motion to declassify testimony filed by Midwest Energy Consumers Group and the Office of the Public Counsel on June 23, 2015, is denied, except that information relating to the total rate case expense incurred by Kansas City Power & Light Company and the hourly rates of its outside attorneys is declassified and subject to public disclosure.
2. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff
Secretary



R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Bushmann, Senior Regulatory Law Judge