

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

In the Matter of the Application of)	
Kansas City Power & Light Company for the)	Docket No. EU-2014-0255
Issuance of an Order Authorizing Construction)	
Accounting Relating to its Electrical Operations)	

**MECG RESPONSE IN OPPOSITION
TO KCPL’S MOTION FOR EXPEDITED TREATMENT**

COMES NOW, the Midwest Energy Consumers’ Group (“MECG”) and, for its response in opposition to KCPL’s Motion for Expedited Treatment attached to its December 3, 2014 Motion in Limine Regarding Ratemaking Issues, respectfully states as follows:

1. On December 3, 2014, KCPL filed its Motion in Limine Regarding Ratemaking Issues. Attached to that pleading was KCPL’s request for expedited treatment. Specifically, KCPL asks that the Commission order the other to file their responses to the Motion in Limine by noon on December 8 (two business days).

2. Commission Rule 4 CSR 240-2.080(14) requires that any Motion for Expedited Treatment “set out with particularity the following: (c) that the pleading was filed as soon as it could have been or an explanation why it was not.” Clearly, KCPL’s pleading does not meet the requirement that the pleading be filed as soon it could have been.

Specifically, while acknowledging that Staff’s rebuttal testimony was filed on November 14, 2014, KCPL fails to “set out with particularity” why it waited 19 days to file its Motion in Limine. Rather, KCPL weakly points to the Thanksgiving holiday and the press of other business. It strains all notions of credibility to believe that both KCPL attorneys that have entered appearances in this case could not find time in the past 19 days to file its pleading any sooner. Instead of filing this pleading at an earlier date, KCPL simply waited 19 days to file its

pleading. Now, KCPL expects all other parties, and the Commission, to interrupt all other work requirements and immediately address its long-delayed filing. There is well-established axiom that is particularly applicable to the immediate case. . . “Lack of planning on your part does not constitute an emergency on my part.” Clearly, KCPL’s “lack of planning” and failure to timely file its pleading should not “constitute an emergency” on the part of the Commission and the other parties.

3. Unlike KCPL, which failed to “set out with particularity” why it waited 19 days to file its Motion in Limine, undersigned counsel states with particularity that it is practically impossible for the remaining parties to respond in the expedited fashion requested by KCPL. Specifically, counsel of record for the other four parties to this case¹ are the counsel of record for those same parties in the pending Ameren rate case (Case No. ER-2014-0258). The procedural schedule ordered by the Commission in that case requires those parties to file direct testimony on Friday, December 5. As such, counsel for the remaining parties are dedicating all resources to complying with that Commission ordered procedural schedule. Recognizing that Section 393.150.2 requires that the Commission give “preference [to rate cases] over all other questions pending before it,” it is unlawful for the Commission to suddenly elevate KCPL’s late-filed Motion for Expedited Treatment above the requirements of that rate case.

WHEREFORE, MEGC respectfully requests that the Commission recognize that KCPL unnecessarily delayed the filing of its Motion in Limine. As such, MEGC asks that the Commission deny KCPL’s request for expedited treatment and provide the remaining parties 10 days to respond to KCPL’s Motion in Limine as contemplated by 4 CSR 240-2.080(13).

¹ Dustin Allison on behalf of the Office of the Public Counsel; Nathan Williams on behalf of the Staff of the Public Service Commission; Diana Vuylsteke / Edward Downey on behalf of MIEC; and David Woodsmall on behalf of MEGC.

Respectfully submitted,



David L. Woodsmall, MBE #40747
308 E. High Street, Suite 204
Jefferson City, MO 65101
573-635-6006 (telephone)
573-635-6007 (facsimile)
Email: david.woodsmall@woodsmalllaw.com

ATTORNEY FOR THE MIDWEST ENERGY
CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served by electronic means on all parties of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.

/s/ David Woodsmall
David Woodsmall

Dated: December 3, 2014