

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

In the Matter of the Application of Great Plains)
Energy Incorporated for Approval of its Acquisition) File No. EM-2017-0226, et al.
Of Westar Energy, Inc.)

GREAT PLAINS ENERGY INCORPORATED'S MOTION TO DISMISS

COMES NOW Great Plains Energy Incorporated ("GPE"), pursuant to 4 CSR 240-2.116(1), and hereby files this *Motion to Dismiss* ("Motion to Dismiss") its *Application for Approval of Transaction* ("Merger Application") filed on February 23, 2017 in docket no. EM-2017-0226 ("Merger Docket"), as well as its *Application for a Limited Variance from the Commission's Affiliate Transaction Rule* ("Variance Application") filed on October 12, 2016 in docket no. EE-2017-0113 ("Variance Docket"). In support of its Motion to Dismiss, GPE states as follows:

1. On October 12, 2016, GPE, Kansas City Power & Light Company ("KCP&L"), and KCP&L Greater Missouri Operations Company ("GMO") (collectively "Joint Applicants") opened the Variance Docket with the filing of their Variance Application.

2. On February 23, 2017, GPE opened the Merger Docket with the filing of its Merger Application, which also included a *Motion to Consolidate* the Merger Docket and Variance Docket.

3. On March 1, 2017, The Missouri Public Service Commission ("Commission") issued its *Order Granting Motion to Consolidate*,¹ which made the Merger Docket the lead case after the consolidation ("Consolidated Docket").

¹ "Great Plains Energy Incorporated's motion to consolidate File Nos. EM-2017-0226 and EE-2017-0113 is granted, File No. EM-2017-0226 being the lead case." (See Commission Order, Docket No. EM-2017-0226, Ordering ¶, March 1, 2017)

4. On April 19, 2017 the Kansas Corporation Commission (“KCC”) issued its order in KCC Docket No. 16-KCPE-593-ACQ denying approval of GPE’s acquisition of Westar Energy, Inc. (“KCC Order”)

5. In light of the KCC Order, on April 20, 2017 GPE filed a *Motion to Suspend Briefing Schedule* (“Motion to Suspend”) in the Consolidated Docket. The Commission issued its Order granting the Motion to Suspend that same day (“Suspension Order”).

6. Pursuant to the Commission’s Suspension Order, GPE filed a *Status Report* in the Consolidated Docket on May 31, 2017, specifically noting that:

GPE and Westar continue to work in a timely manner to explore the possibility of a revised transaction. If a revised agreement is reached, then GPE will request leave from the Commission, pursuant to 4 CSR 240-2.116(1), to dismiss without prejudice its pending Application, and file a new Application seeking approval of the revised transaction as soon as possible following consummation of the revised agreement between GPE and Westar. (GPE Status Report p. 1, ¶3)

7. On July 10, 2017, GPE announced that a revised merger agreement had been reached with Westar Energy, Inc. A new application will be filed before this Commission for approval.

WHEREFORE, for the reasons stated herein, Great Plains Energy Incorporated prays the Commission dismiss without prejudice the Variance Application filed on October 12, 2016, as well as the Merger Application filed on February 23, 2017, and close this Consolidated Docket.

Respectfully submitted,

/s/ Robert J. Hack

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**ATTORNEYS FOR
GREAT PLAINS ENERGY INCORPORATED**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this 14th day of July, 2017, to all counsel of record.

/s/ Robert J. Hack

Robert J. Hack