

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

In the Matter of the Tariff Schedules Filed to       )  
Adjust the Fuel Adjustment Clause of KCP&L       ) **Case No. EO-2009-0254**  
Greater Missouri Operations Company                )

**RESPONSE TO WAIVER AND  
REQUEST FOR HEARING**

COME NOW, Ag Processing Inc., a cooperative, and Sedalia Industrial Energy Users' Association ("Industrial Intervenors") and for their Response to Waiver and Request for Hearing state as follows:

1. On December 30, 2008, KCP&L Greater Missouri Operations Company f/k/a Aquila, Inc. ("KCPL – GMO") filed rate schedules designed to implement a change in rates to reflect an increase in historical fuel and purchased power expense. In addition, KCPL – GMO also requests, through the Direct Testimony of Tim Rush, that it be granted a waiver from certain reporting requirements contained in Commission Rules 4 CSR 240-3.161 and 4 CSR 240-20.090.

2. KCPL – GMO's request that it be granted a waiver from the Commission's fuel adjustment rule reporting requirements has not been properly presented to the Commission. 4 CSR 240-2.060(4) clearly provides that requests related to the waiver of rule requirements shall be done through an application. In addition, that rule requires the utility to submit certain information in support of its waiver request. To date, KCPL – GMO has not submitted such an application. As such, KCPL – GMO's request has not been properly presented for consideration by the Commission.

3. 4 CSR 240-20.090(15), concerning the waiver of the Commission's fuel adjustment clause reporting requirements, clearly states that such a waiver may only be granted "after an opportunity for hearing." To the extent that the Commission is considering KCPL – GMO's improperly-presented waiver request, the Industrial Intervenors request a hearing, as contemplated by 4 CSR 240-20.090(15).

WHEREFORE, the Industrial Intervenors respectfully request that the Commission reject KCPL - GMO's request for waiver, but to the extent that such a request is to be considered, the Industrial Intervenors request a hearing as provided by 4 CSR 240-20.090(15).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Woodsmall", is positioned above a horizontal line. To the right of the signature, a vertical red line extends from the top of the signature area down to the contact information below.

Stuart W. Conrad, MBE #23966  
David L. Woodsmall, MBE #40747  
3100 Broadway, Suite 1209  
Kansas City, Missouri 64111  
(816) 753-1122 Ext. 211  
Facsimile: (816) 756-0373  
Internet: [stucon@fcplaw.com](mailto:stucon@fcplaw.com)

ATTORNEYS FOR AG PROCESSING,  
INC. AND SEDALIA INDUSTRIAL  
ENERGY USERS' ASSOCIATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "David L. Woodsmall", is written over a horizontal line. A vertical red line is positioned to the right of the signature.

David L. Woodsmall

Dated: February 18, 2009