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

In the Matter of Kansas City Power	)	
& Light Company's Request for	)	
Authority to Implement a General	)	ER-2012-0174
Rate Increase for Electric Service	)	

## PRAXAIR, INC. SUPPORT FOR MOTION TO STRIKE AND REJECT

Praxair, Inc. (Praxair) was a party to the original Regulatory Plan settlement in File/Case No. EO-2005-0329. In that plan Kansas City Power & Light Company (KCPL) made certain representations in the stipulation itself and in subsequent statements by KCPL witnesses appearing in support of the stipulation and in formal pleadings intended to induce the Commission to approve the stipulation as in the public interest. As stated in that document, extensive negotiations were involved and the stipulation was presented as a package.

Praxair reasonably relied on these representations as part of the complete and comprehensive package presented to the Commission.

Praxair has reviewed the Motion to Strike and Reject put forward by Midwest Energy Consumers' Group (MECG) and Public Counsel. The Motion accurately recounts the circumstances including statements made by KCPL through witnesses and in pleadings submitted by KCPL in support of the stipulation.

KCPL's response to the Motion does not successfully impeach any of these statements on which the Commission, as well as Praxair, obviously reasonably relied.

Praxair supports the Motion to Strike and Reject.

Striking KCPL's nonconforming testimony and rejecting the offending proposed tariffs is the appropriate remedy and is supported by the Commission's rulings in ER-2006-0315 concerning a utility's unilateral variance from its earlier agreements and representations and its refusal to withdraw the offending materials voluntarily.

The Motion to Strike should be sustained.

Respectfully submitted,

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ATTORNEYS FOR PRAXAIR, INC.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means, by United States Mail, First Class postage prepaid, or by hand delivery to all known parties in interest upon their respective representatives or attorneys of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.

Stuart W. Conrad

Dated: July 3, 2012