

**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 of ) **File No. EM-2017-0226, et al.**  
Westar Energy, Inc. )

**GREAT PLAINS ENERGY INCORPORATED, KANSAS CITY POWER & LIGHT  
COMPANY, AND KCP&L GREATER MISSOURI OPERATIONS COMPANY'S  
RESPONSE IN OPPOSITION TO PROPOSED PROCEDURAL SCHEDULE  
AND OTHER PROCEDURAL REQUIREMENTS**

COME NOW Great Plains Energy Incorporated (“GPE”), Kansas City Power & Light Company (“KCP&L”) and KCP&L Greater Missouri Operations Company (“GMO”) , pursuant to Commission Rule 4 CSR 240-2.080, and for their Response in Opposition to the “Proposed Procedural Schedule and Other Procedural Requirements” filed March 6, 2017 by the Midwest Energy Consumers’ Group (“MECG”) on behalf of certain named entities<sup>1</sup> (“MECG Proposed Schedule”), respectfully state as follows:

1. On March 3, 2017, in accordance with the directive of the Regulatory Law Judge issued during the March 2<sup>nd</sup> Procedural Conference, GPE, KCP&L and GMO submitted their Motion to Adopt Proposed Procedural Schedule that accommodates early April hearing dates (April 5-7, 2017), with the recognition that the Commission will be unable to issue its order in this consolidated proceeding with an effective date of April 24, 2017. As explicitly stated in their Motion, “In doing so, GPE, KCP&L and GMO are making a significant concession in an

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<sup>1</sup> Listed among those entities collectively referred to as “Signatories” to the referenced pleading, are the Kansas Electric Power Cooperative, Inc. (“KEPCo”) and the United States Department of Energy (“DOE”). On March 3, 2017, GPE filed its Objection to KEPCo’s Motion to Intervene and its Response to KEPCo’s Answer in Opposition to GPE’s motion for expedited treatment. On that same date, GPE filed its Response to DOE’s application to intervene, pointing out that DOE did not file any objection to GPE’s motion for expedited treatment, and further stating that should DOE not support a schedule that would allow the Commission to resolve the issues and approve the proposed transaction no later than the end of April 2017, or propose a schedule that would not permit such Commission action, GPE would oppose DOE’s intervention in this matter. Given DOE’s participation in and support of the MECG Proposed Schedule which extends the timeline for a Commission order herein to late May at the earliest, GPE opposes DOE’s application to intervene in this proceeding.

effort to facilitate the process desired by the Commission, but it is apparent that other parties will seek to extend the timeline even further.”

2. While it is important to underscore that the Staff of the Commission does not oppose the GPE, KCP&L and GMO proposed schedule, regrettably, the named Signatories of the MECG Proposed Schedule would extend the timeline for yet an additional month, with hearings to be held May 1-3 and 5, 2017<sup>2</sup>, followed by briefing on May 12. Adoption of the MECG Proposed Schedule would likely require an extension of the Merger Agreement. Such an extension is not contemplated for any other regulatory approval at this time and would be necessitated solely due to the Missouri process. This is inconsistent with the stated desire of the Commission that the Missouri process would not delay the transaction. GPE, KCP&L and GMO strongly oppose such a further extension of the timeline for Commission resolution of this matter and respectfully request that the Commission reject the MECG Proposed Schedule.

3. Furthermore, the Surrebuttal filing reference in the MECG Proposed Schedule erroneously provides “GPE Surrebuttal/Intervenor Cross-Surrebuttal”. Any such reference must appropriately reflect that GPE/KCP&L/GMO, Staff and Public Counsel will be the parties filing Surrebuttal. The reference to “Intervenor Cross-Surrebuttal” should be stricken, as that would provide the intervenors with yet another bite at the apple with no opportunity for response by GPE/KCP&L/GMO, Staff or Public Counsel.

4. Regarding the “Other Procedural Requirements” set forth in the MECG Proposed Schedule, GPE, KCP&L and GMO continue to advocate for the inclusion of the prior procedural and discovery provisions upon which agreement has already been reached and that the Commission incorporated into its previous “Order Adopting Procedural Schedule” issued

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<sup>2</sup> To the extent the Signatories truly believe that four days may be required for evidentiary hearings in this matter, GPE, KCP&L and GMO would not object to their proposed April 5-7 hearing dates being expanded to include April 4 as well.

December 6, 2016 in now-consolidated File No. EE-2017-0113 (save deadlines for issuing discovery requests and motions to compel which were explicitly set forth by GPE, KCP&L and GMO in their new proposed schedule). The discovery timelines had already been cut in half by providing that the response time for all data requests shall be ten calendar days to provide the requested information, and five calendar days to object or notify the requesting party that more than ten calendar days will be needed to provide the requested information. This timeline is sufficient, and GPE, KCP&L and GMO vigorously oppose the proposed additional reduction to five calendar days response time and three calendar days to object or notify of the need for more time. GPE, KCP&L and GMO should not be prejudiced simply because intervenors chose to wait until the last minute to issue discovery.<sup>3</sup> That said, GPE, KCP&L and GMO would be amenable to reducing the response time for all data requests to seven calendar days to provide the requested information, and five calendar days to object or notify the requesting party that more than seven calendar days will be needed to provide the requested information.

WHEREFORE, GPE, KCP&L and GMO respectfully submit their Response in Opposition to the MECG Proposed Schedule and request that the Commission adopts the Proposed Procedural Schedule of GPE, KCP&L and GMO submitted on March 3, 2017.

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<sup>3</sup> Such discovery was clearly feasible. MECG previously issued thirty-four (34) Data Requests to the Staff (four on November 29, 2016, followed by thirty on January 6, 2017), and MJMEUC previously issued 31 data requests to GPE, KCP&L and GMO on January 9, 2017.

Respectfully submitted,

*/s/ Robert J. Hack*

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**Attorneys for Great Plains Energy  
Incorporated, Kansas City Power & Light  
Company and KCP&L Greater Missouri  
Operations Company**

**CERTIFICATE OF SERVICE**

A copy of the foregoing was served upon all counsel of record in these consolidated proceedings by email or U.S. mail, postage prepaid, this 7<sup>th</sup> day of March, 2017.

*/s/ Robert J. Hack*

Robert J. Hack

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