

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

In the Matter of the Application of Kansas City)
Power & Light Company for Approval to Make)
Certain Changes in its Charges for Electric Service)
to Continue the Implementation of its Regulatory)
Plan.)

Case No. ER-2009-0089

STAFF’S RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its response to the Commission’s November 2, 2009 *Order Directing Filing*, states:

1. In its November 2, 2009 *Order Directing Filing* the Commission ordered, “No later than November 9, 2009, the Staff of the Missouri Public Service Commission shall file a pleading outlining, with particularity, the invoice numbers and the page and line numbers of redactions in the documents that remain in dispute.”

2. The Staff is unable to comply with the Commission’s directive because of how Kansas City Power & Light Company (“KCPL”) effectuated its redactions. KCPL did so by “whiting out” portions of the documents it provided; therefore, while some redactions appear fairly obvious, others are not. Attached as Appendix A, is a highly confidential page from the documents KCPL produced to Staff in response to Staff Data Request 0631 which illustrates why the Staff is unable to comply with the Commission’s directive. As the Commission can see it appears part of the 09/20/07 entry on the page was redacted, but it is unclear whether part of the third from the top of the page 09/19/07 entries was redacted as well.

3. If the Commission believes it will assist it, the Staff will provide the documents it received from KCPL in response to Staff DR 0631, but only KCPL knows what it redacted from those documents the Staff received.

4. The Staff is challenging every redaction and, since KCPL redacted material from the documents it produced to the Staff, KCPL should be able to produce the documents from which it redacted material without the Staff attempting to create a list and KCPL should be able to highlight the redacted portions of those documents.

5. If the Commission upholds KCPL's claims of attorney-client privilege or attorney work product doctrine or other bases for not producing material in these documents, it would assist the Staff to know the basis for why the Commission believes the privilege, doctrine or other basis protects the material from discovery by the Staff.

WHEREFORE, the Staff responds to the Commission's *Order Directing Filing* as set forth above.

Respectfully submitted,

/s/ Nathan Williams
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 9th day of November 2009.

/s/ Nathan Williams_____