

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

In the Matter of KCP&L Greater Missouri)
Operations Company’s Submission of Its 2013) File No. EO-2014-0290
Renewable Energy Standard Compliance Report)

RESPONSE TO ORDER DIRECTING FILING

COMES NOW KCP&L Greater Missouri Operations Company (“GMO” or the “Company”) and hereby responds to the Commission’s June 30, 2014 *Order Directing Filing* and to the Motion to Compel Discovery filed by AG Processing Inc. a Cooperative (“AGP”) on June 27, 2014.

1. In its *Order Granting Applications To Intervene (“Order”)* issued on May 6, 2014, the Commission granted intervention to AGP, Renew Missouri and the Missouri Division of Energy on May 6, 2014 and limited that intervention to the access of highly confidential information contained in the Renewable Energy Standard Compliance report, stating:

. . . The applications satisfy all requirements of Commission Rule 4 CSR 240-2.075 and intervention will be granted, with a limitation.

The Commission opened this file for the annual report regarding renewable energy standards (“RES”). Upon the opening of such file, the Commission’s regulations require notice, a Staff report, and the opportunity for comment from “any interested persons or entities”. Under that language, intervention is unnecessary for such persons to file comments on the report. However, the report is highly confidential in part, and highly confidential material is available only to a “party”, which includes an intervenor.

Applicants are uniquely suited to comment on the RES report. Granting Applicants’ access to highly confidential information is likely to improve the quality of Applicants’ comments. Therefore, granting the proposed intervention would serve the public interest.

An investigation is all that this file includes. Though the Commission may issue a procedural schedule, no law requires any final order or any other further procedure on the filing of a RES report. Therefore, the Commission will grant intervention limited to accessing the highly confidential versions of the RES report. (*Emphasis added; footnotes omitted*)

2. Notwithstanding the Commission's *Order* that stated that AGP's intervention was limited to accessing the highly confidential versions of the RES report, AGP has issued twenty data requests to the Company which go beyond accessing the highly confidential information contained in the RES Report. GMO respectfully objects to answering these data requests on the ground that the Commission has appropriately limited AGP's intervention to accessing the highly confidential versions of the RES report since this is a file that does not "require[s] any final order or any other further procedure on the filing of a RES report." (*Order*, p. 2)

3. If, notwithstanding GMO's objection, the Commission allows the use of data requests in this proceeding, the Commission should also consider that the twenty data requests submitted by AGP were not submitted to the email address as provided in EFIS on April 15, 2014 at the time GMO filed its 2013 Renewable Energy Standard Compliance Report and Request for Waiver: Regulatory.Affairs@kcpl.com. Thus, the data requests were not automatically processed for answering.

4. The data requests would have been due on June 16, 2014 according to the Commission rule regarding discovery – 4 CSR 240-2.090(2). AGP did not follow the Missouri Public Service Commission's ("Commission") rules regarding data request disputes. Pursuant to 4 CSR 240-2.090(8)(A), counsel for AGP should have attempted to call opposing counsel on or about the data request deadline prior to the filing of the motion to compel. Had this step been taken, GMO would have been alerted that the process to answer the data request had not yet begun and could have rectified the situation.

5. Under rule 4 CSR 240-2.090(8), the Commission will not entertain any discovery motions until the moving party has conferred with opposing counsel and participated in a

telephone conference with the regulatory law judge. Since neither of these events has occurred, the Commission should not entertain the motion until counsel for AGP has followed the rule.

WHEREFORE, for the above-stated reasons, GMO respectfully requests that the Commission deny AGP's Motion to Compel.

Respectfully submitted,

/s/ Roger W. Steiner

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**ATTORNEYS FOR KCP&L GREATER
MISSOURI OPERATIONS COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand delivered, emailed or mailed, postage prepaid, this 10th day of July, 2014, to all parties of record.

/s/ James M. Fischer

James M. Fischer