

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

Midwest Energy Consumers Group,	)	
	)	
Complainant,	)	
	)	Case No. EC-2017-0107
v.	)	
	)	
Great Plains Energy Incorporated,	)	
	)	
Respondent.	)	

**OBJECTIONS AND RESPONSES OF  
GREAT PLAINS ENERGY INCORPORATED TO  
MECG'S FIRST REQUEST FOR ADMISSIONS**

For its objections and responses to the First Request for Admissions of the Midwest Energy Consumers' Group ("MECG") to Great Plains Energy Incorporated ("GPE" or "Company"), GPE states:

**Request for Admission #1:** Please admit that Westar Generating, Inc. owns or uses the State Line Combined Cycle Plant.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company denies this request except to admit that Westar Generating, Inc. ("WGI") has stated in its 2015 FERC Form 1 filing that it owns a 40% undivided interest in the State Line Combined Cycle Generating Facility.

**Request for Admission #2:** Please admit that Westar Generating, Inc. owns or uses real estate, fixtures or personal property in the State of Missouri for the purpose of generating electricity.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is

not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company denies this request except to admit that Westar Generating, Inc. (“WGI”) has stated in its 2015 FERC Form 1 filing that it owns a 40% undivided interest in the State Line Combined Cycle Generating Facility.

**Request for Admission #3:** Please admit that Westar Generating, Inc. owns or uses real estate, fixtures or personal property in the State of Missouri for the purpose of transmitting electricity.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company denies this request except to admit that Westar Generating, Inc. (“WGI”) has stated in its 2015 FERC Form 1 filing that it owns a 40% undivided interest in the State Line Combined Cycle Generating Facility, and that it sells its portion of the electric power to Westar Energy, Inc.

**Request for Admission #4:** Please admit that Westar Generating, Inc. owns or uses conduits, ducts or other devices, materials, apparatus or property for the purposes of transmitting electricity.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company denies this request except to admit that Westar Generating, Inc. (“WGI”) has stated in its 2015 FERC Form 1 filing

that it owns a 40% undivided interest in the State Line Combined Cycle Generating Facility, and that it sells its portion of the electric power to Westar Energy, Inc.

**Request for Admission #5:** Please admit that Westar Generating, Inc. was granted a certificate of convenience and necessity “to construct, install, own, operate, control, manage and maintain electric facilities in Jasper County, Missouri” in Case No. EM-2000-145 and EA-2000-153. (See Attachment 1).

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company admits Request for Admission No. 5.

**Request for Admission #6:** Please admit that the 2015 Form 1 filed with the Federal Energy Regulatory Commission by Westar Generating, Inc. (filed April 8, 2016) states “We own a 40% undivided interest in the State Line Combined Cycle Generating Facility (State Line) located near Joplin, Missouri, and sell all of our portion of the electric power to Westar Energy.” (See Attachment 2).

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company admits Request for Admission No. 6.

**Request for Admission #7:** Please admit that Westar Energy, Inc. has a controlling interest in Westar Generating, Inc.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is

not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company denies the request except to admit that it understands Westar Energy, Inc. owns 100% of the outstanding common stock of WGI.

**Request for Admission #8:** Please admit that Westar Energy, Inc. is an affiliate of Westar Generating, Inc.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. Without waiving its objections, the Company denies the request except to admit that Westar Energy, Inc. and WGI are affiliates to the extent that WGI is a wholly owned subsidiary of Westar Energy, Inc. WGI is not an “affiliate” within the meaning of Paragraph II(7) of the First Amended Stipulation and Agreement approved by the Commission in Case No. EM-2001-464, referred to in Request for Admission # 9, below, because WGI does not have a controlling interest in a public utility.

**Request for Admission #9:** Please admit that Great Plains Energy agreed, in Case No. EM-2001-464, that it will not, directly or indirectly, acquire or merge with a public utility or the affiliate of a public utility, where such affiliate has a controlling interest in a public utility unless GPE has requested prior approval for such a transaction from the Commission and the Commission has found that no detriment to the public would result from the transaction.” (See Attachment 3).

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there

is no certificate of service. Without waiving its objections, the Company admits that MECG has quoted a portion of Section II(7) of the First Amended Stipulation and Agreement that GPE, the Staff of the Commission, and the Office of the Public Counsel agreed to in Case No. EM-2001-464.

**Request for Admission #10:** Please admit that Great Plains Energy has not sought approval from the Missouri Public Service Commission for the acquisition of Westar Energy, Inc.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. GPE additionally objects to this request on the grounds that it improperly assumes that the Missouri Public Service Commission has jurisdiction to approve the Company's proposed acquisition of Westar Energy, Inc. Without waiving its objections, the Company admits Request for Admission No. 10.

**Request for Admission #11:** Please admit that the Missouri Public Service Commission has not found that the acquisition of Westar Energy, Inc. will have no detriment to the public.

**Objection and Response:** GPE objects to this request as it violates the pleading requirements of Missouri Rules of Civil Procedure 43.01, 55.03 and 59.01 in that the request is not signed or certified by counsel for MECG or any other person representing MECG, and there is no certificate of service. GPE additionally objects to this request on the grounds that it improperly assumes that the Missouri Public Service Commission has jurisdiction to approve the Company's proposed acquisition of Westar Energy, Inc. Without waiving its objections, the

Company admits that the Commission has to-date made no finding regarding the proposed acquisition of Westar Energy, Inc.

Respectfully submitted,

*/s/ Robert J. Hack*

---

Robert J. Hack, MBN 36496  
Roger W. Steiner, MBN 39586  
Kansas City Power & Light Company  
1200 Main Street  
Kansas City, MO 64105  
Phone: (816) 556-2791  
rob.hack@kcpl.com  
roger.steiner@kcpl.com

Karl Zobrist, MBN 28325  
Joshua Harden, MBN 57941  
Dentons US LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Phone: (816) 460-2400  
Fax: (816) 531-7545  
karl.zobrist@dentons.com  
joshua.harden@dentons.com

James M. Fischer, MBN 27543  
Larry W. Dority, MBN 25617  
Fischer & Dority, P.C.  
101 Madison Street, Suite 400  
Jefferson City, MO 65101  
Phone: (573) 636-6758  
Fax: (573) 636-0383  
jfischerpc@aol.com

Attorneys for Great Plains Energy Incorporated

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on all counsel of record this 5<sup>th</sup> day of December, 2016.

*/s/ Robert J. Hack*

---

Attorney for Great Plains Energy Incorporated