

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

In the Matter of The Empire District Electric)	
Company of Joplin, Missouri for Authority to File Tariffs)	<u>Case No. ER-2010-0130</u>
Increasing Rates for Electric Service Provided to)	Tariff File No. YE-2010-0303
Customers in the Missouri Service Area of the Company)	

**RESPONSE OF KANSAS CITY POWER & LIGHT COMPANY
TO STAFF’S AND EMPIRE’S PROPOSED PROCEDURAL SCHEDULES, AND TO
STAFF’S MOTION TO DELAY THE ADOPTION OF PROCEDURAL SCHEDULE**

COMES NOW Kansas City Power & Light Company (hereinafter "KCP&L"), pursuant to 4 CSR 240-2.080, and files its response to the Staff’s Proposed Procedural Schedule And Other Proposed Procedures, and Empire’s Proposed Procedural Schedule which were both filed on January 15, 2010, and to Staff’s Motion to Delay Adoption Of Procedural Schedule filed on January 20, 2010. In support thereof, KCP&L states as follows:

1. On January 15, 2010, both the Commission Staff (“Staff”) and The Empire District Electric Company (“Empire”) filed their respective proposed procedural schedules in this matter. Staff noted in its pleading that the parties to this case “have been engaged in detailed discussion regarding a procedural schedule and other matters relating to the instant case...” and the “Staff expects discussions to continue among the parties, and if those discussions culminate in an agreement, the signatories will promptly inform the Commission.” (Staff Schedule, p. 2) Empire also noted that it “expects discussions to continue among the parties with regard to the procedural schedule and other related matters.” (Empire Schedule, p. 1)

2. On January 20, 2010, Staff filed its Request To Defer Order Regarding Procedural Schedule in which it requested that the Commission defer entering an order regarding the pending alternative proposals of Staff and Empire regarding the procedural schedules “to permit the parties to

continue discussions, in the hope of reaching a resolution or narrowing the gap that presently exists between the Staff and Empire on the matter of a procedural schedule.” (Staff Request, p. 1)

3. KCP&L has participated in the discussions regarding the procedural schedule in this case, and believes that the discussions have been constructive and productive. KCP&L supports the Staff’s Request to Defer Order Regarding Procedural Schedule filed on January 20, 2010, and respectfully requests that the Commission delay adopting a procedural schedule in this matter until the parties have had additional time to complete their discussions and make further comments on the proposed procedural schedules.

4. In its Request to Defer Order Regarding Procedural Schedule, Staff notes its disagreement with Empire concerning whether to bifurcate the schedule for Plum Point. KCP&L has a different concern with the proposed schedules that pertains to the Iatan 1 AQCS and the Iatan common plant included in Empire’s case. In particular, KCP&L is very concerned that the procedural schedule being proposed by Staff may result in any prudence issues related to the completion of the Iatan 1 AQCS and the Iatan common plant being litigated in the context of the pending Empire rate case rather than in the context of the next KCP&L rate case which is anticipated to be filed this Spring.¹ KCP&L strongly believes it would be preferable to wait to litigate such prudence issues until the next KCP&L rate case since KCP&L, rather than Empire, is the majority owner, constructor, and operator of the Iatan Generating Station. Litigating prudence first in the case of a minority owner will likely create both logistical and due process issues. KCP&L, however, also expects that the discussions among the parties may address and resolve this concern. KCP&L

¹ In Staff’s Proposed Procedural Schedule And Other Proposed Procedures, Staff stated at page 3: “The Staff’s direct case filing on February 26, 2010 will include the Staff’s Iatan 1 AQCS and Iatan 1 common plant construction audit and prudence review filed by Staff on December 31, 2009, in Case No. ER-2009-0089 and Case No. ER-2009-0089, which is based on invoices booked and paid by KCPL through May 31, 2009.” KCP&L, as opposed to Empire, is in a better position to substantively respond to the issues raised in those reports.

believes that a two week delay in a ruling from the Commission would be reasonable to provide the parties with an opportunity to complete their discussions related to the procedural schedule in this case.

WHEREFORE, Kansas City Power & Light Company joins Staff in requesting that the Commission delay issuing an order adopting any procedural schedule in this case until after the parties have had additional discussions intended to resolve outstanding issues related to the procedural schedule and the scope of the proceeding. KCP&L respectfully requests that the Commission defer ruling on the procedural schedule for approximately two weeks, or until the parties have indicated whether they are able to resolve their differences related to the procedural schedule.

Respectfully submitted,

/s/ James M. Fischer

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**ATTORNEYS FOR
KANSAS CITY POWER & LIGHT 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 25th day of January, 2009 to all parties of record.

/s/ James M. Fischer

James M. Fischer