

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

In the Matter of Kansas City Power & Light)
Company’s Request for Authority to Implement)
A General Rate Increase for Electric Service) **File No. ER-2014-0370, et al.**

**MOTION TO STRIKE AND OBJECTION TO THE ADMISSION
OF PORTIONS OF PREFILED SURREBUTTAL TESTIMONY
OF OPC WITNESS WILLIAM ADDO**

COMES NOW Kansas City Power & Light Company (“KCP&L” or “Company”), pursuant to Missouri Public Service Commission (“Commission”) Rules 4 CSR 240-2.080, 2.110 and 2.130 and the Regulatory Law Judge’s directive issued during the evidentiary hearing in this matter, and for its Motion to Strike and Objection To the Admission of Portions of Prefiled Surrebuttal Testimony of OPC Witness William Addo respectfully states as follows:

1. During the first week of the evidentiary hearing held in this matter, on June 18, 2015, the Office of Public Counsel (“OPC”) presented the prefiled and live testimony of OPC Witness William Addo relating to the litigated issue of “Rate Case Expense” (Issue XIV).¹ At that time, undersigned counsel for KCP&L moved to strike a portion of the Surrebuttal Testimony of Mr. Addo, wherein OPC – for the first time -- makes an adjustment to the hourly rates of KCP&L’s outside counsel retained in this matter. While KCP&L strenuously objects to the propriety of such an adjustment, it clearly should have been made in Mr. Addo’s Direct Testimony prefiled in this matter in April.

¹ Mr. Addo’s prefiled testimony was submitted in both Highly Confidential (“HC”) and Non-Proprietary (“NP”) versions. Whereas Mr. Addo prefiled testimony on various issues, some of which will be heard during the second week of scheduled hearings in this matter, the subject testimony was not formally offered into evidence at that time. However, KCP&L objects to the admission of the portion of the prefiled Surrebuttal Testimony addressed herein and, accordingly, formally enters its objection as a part of this Motion.

2. Commission Rule 4 CSR 240-2.130(7)(A) provides:

For the purpose of filing prepared testimony, direct, rebuttal, and surrebuttal testimony are defined as follows:

(A) Direct testimony shall include all testimony and exhibits asserting and explaining that party's entire case-in-chief;

This rule requires that a party's entire case-in-chief be included in its Direct Testimony. During the evidentiary hearing, Mr. Addo admitted that he had the hourly rate information that was the subject of his adjustment back in March, by virtue of the Company's response to a data request. Accordingly, any such adjustment could have, and should have, been made in the prefiled Direct Testimony submitted April 2, 2015.

3. The above-referenced Commission Rule 4 CSR 240-2.130(7) further provides that "Surrebuttal Testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony." 4 CSR 240-2.130(7)(D). These rules are designed to avoid any prejudice to other parties, and OPC's delay in holding back such an adjustment until Surrebuttal Testimony has clearly prejudiced the Company's ability to respond to OPC's allegations of imprudence.

4. The Commission should strike and not admit into record evidence the following portions of Mr. Addo's Surrebuttal Testimony, to-wit: beginning at Page 26, Lines 3 and 4, and Lines 12 through 15; Page 27, lines 1 through 7; Page 28, lines 14 through 20; Page 29 in its entirety; and Schedule WA-5.

WHEREFORE, Kansas City Power & Light Company respectfully moves that the Commission strike and not admit into record evidence the portions of OPC Witness William Addo's Surrebuttal Testimony as specifically set forth herein.

Respectfully submitted,

/s/ Roger W. Steiner

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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 23rd day of June, 2015, to all parties of record.

/s/ Roger W. Steiner

Roger W. Steiner