

**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) **Case No. ER-2010-0355**
Service to Implement its Regulatory Plan.)

In the Matter of the Application of KCP&L)
Greater Missouri Operations Company for) **Case No. ER-2010-0356**
Approval to Make Certain Changes in its Charges)
for Electric Service.)

**KANSAS CITY POWER & LIGHT COMPANY’S AND GMO’S RESPONSE
TO STAFF’S OBJECTION TO LATE-FILED EXHIBIT
REQUESTED BY COMMISSIONER KENNEY**

Kansas City Power & Light Company (“KCP&L”) and KCP&L Greater Missouri Operations Company (“GMO”)(collectively the “Companies”) submit this Response to the Objection To Late-Filed Exhibit filed by the Staff on March 18, 2011. In support hereof, the Companies state as follows:

1. As noted in the Staff’s Objection, Commissioner Kenney requested that the Companies provide additional information related to the Alstom Settlement issues during the hearings held on January 25, 2011. The Companies complied by filing a Late-filed exhibit on February 22, 2011 that contained several relevant documents that would be helpful for the Commission to understand the Alstom Settlement issue.

2. As the Commission knows, most late-filed exhibits need to be prepared following the hearings to provide the Commission with information requested by the Regulatory Law Judge or the individual Commissioners. There is no requirement in the Commission Rules or anywhere else that only information previously provided in discovery may be entered into the record as a late-filed exhibit. In fact, in most cases, the information needs to be prepared

following the hearing in order to accommodate the requests of the Bench. As a result, it is “late-filed.”

3. In this case, the undersigned counsel indicated at the hearing that he believed the information requested by Commissioner Kenney would be readily available and was already prepared in responses to data requests. Regrettably, the undersigned counsel’s statement was partially in error, and he apologizes to the Commission and the parties for his misstatement. The Companies have been unable to confirm that the “Valuation of Issues Resolved by the Unit 1 and Unit 2 Settlement Agreements” or an excel spreadsheet related to the Man-hours related to the Alstom’s Unit 1 Delay, were previously provided to Staff in any responses to data requests. Nevertheless, these documents are responsive to Commissioner Kenney’s request, are helpful to understanding the rationale for the Alstom Settlement, and should be admitted into the record as a late-filed exhibit—just as any other Late-Filed Exhibit is typically allowed into the record after the hearing is concluded.

4. Staff also requested that the Companies identify the specific data requests where the information contained in the Late-filed Exhibit was previously provided to Staff. While this request is typical of the discovery process throughout the case where Staff has requested that the Company produce documents again and again, or alternatively, tell the Staff where they already have been produced, the Companies have searched the massive amount of discovery in this case and related cases, and identified at the least the following data requests and meetings where the information has been produced:

- a. Settlement Agreement D: Disposition of Certain Outstanding Claims Between KCP&L and Alstom in the Unit 2 Settlement Agreement was provided to Staff in a September 23, 2008 Engineering site visit, and then again as a part of the

Change Order Nos. 0741, 1104, 1175, 1344, 1345 and 1349, and in response to Data Request No. 0918 in Case No. EO-2010-259.

- b. Risk and Opportunity Analysis Sheet related to the Unit 1 Alstom Settlement Agreement—Staff apparently acknowledges that this document was provided to Staff in discovery, but it does not identify the specific data request or meeting where the information was provided. (Objection, p. 4) After searching the massive amount of discovery in this case and KCP&L previous rate case, KCP&L has confirmed that this Risk & Opportunity Analysis Sheet was previously provided to Staff in response to Data Request No. 633S in Case No. ER-2009-0089.
- c. The Valuation of Issues and Man-hours analysis related to Alstom’s Unit 1 Delay Claim—The Companies have been unable to locate a specific data request or meeting where this document was produced.

5. The Companies believe that the Late-filed Exhibit that was prepared at the request of Commissioner Kenney should be admitted into the record of this case since it clearly contains relevant information that will be helpful to the Commission in deciding the Alstom Settlement Issues. The fact that some portion of the exhibit was not previously prepared in answer to a data request is not a legal basis for excluding the relevant information requested by the Commissioner.

WHEREFORE, for the foregoing reasons, KCP&L respectfully requests that the Commission accept the Late-filed Exhibit prepared by the Companies at the request of Commissioner Kenny, and filed in the record on February 22, 2011.

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**ATTORNEYS FOR
KANSAS CITY POWER & LIGHT COMPANY AND
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, to all parties of record this 28th day of March 2011.

/s/ Roger W. Steiner
Roger W. Steiner