

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

Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
v.)	Case No. EC-2009-0430
)	
KCP&L Greater Missouri Operations Company and)	
Kansas City Power & Light Company,)	
)	
Respondents.)	

**RESPONSE OF KANSAS CITY POWER & LIGHT COMPANY AND KCP&L
GREATER MISSOURI OPERATIONS COMPANY TO
STAFF’S MOTION FOR SUMMARY DETERMINATION**

COMES NOW Kansas City Power & Light Company (“KCP&L”) and KCP&L Greater Missouri Operations Company (“GMO”) (collectively, the “Companies”), pursuant to 4 CSR 240-2.080, by and through its attorneys, and hereby files this Response to the Staff’s Motion For Summary Determination (“Staff Motion”) and Memorandum In Support of Staff’s Motion (“Staff Memorandum”).

1. On October 2, 2009, the Staff filed a Motion For Summary Determination and a Memorandum In Support of Staff’s Motion. On that same day, KCP&L and GMO jointly filed a Motion For Summary Determination (“Companies’ Motion”) and a Legal Memorandum In Support Of Motion For Summary Determination (“Companies’ Memorandum”).

2. As explained in the Companies’ Motion and Memorandum, the Companies agree with Staff that there are no material factual matters that need to be addressed in an evidentiary hearing. Instead, this matter should be disposed of by

granting the Companies' motion for summary determination. (Companies' Motion, pp. 4-7; Companies' Memorandum, pp. 1-4).

3. The Companies' Motion and Memorandum also have thoroughly discussed the legal issues raised by the Staff in the Complaint, Staff Motion and Staff Memorandum, and there is no need for a lengthy rehash of the legal arguments herein. Staff has raised nothing new that has not already been addressed.

4. In particular, contrary to the legal arguments of the Staff, the Companies have demonstrated that:

a. GMO's use of the "KCP&L" brand on customers' bills is lawful and appropriate; (Companies' Motion, pp. 1-4; 7-9; Companies' Memorandum, pp. 7-13)

b. GMO's use of the "KCP&L" brand on signage is lawful and appropriate; (Companies' Motion, pp. 10-11; Companies' Memorandum, pp. 14-16)

c. GMO's use of the "KCP&L" brand is not an "unjust" or "unreasonable" act under Section 393.130(5); (Companies' Motion, pp. 12-13; Companies' Memorandum, pp. 16-18)

d. GMO's use of the "KCP&L" brand is not contrary to its rate schedules on file with the Commission; (Companies' Motion, pp. 13-14; Companies' Memorandum, pp. 18-19); and

e. Finally, even if the Commission ultimately concludes that GMO's use of the "KCP&L" brand is somehow unlawful (which it is not), it is not appropriate, reasonable, or lawful to assess penalties under the circumstances of this case. (Companies' Memorandum, pp. 19-20)

WHEREFORE, for the reasons stated herein and in the Companies' Motion and Memorandum, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company respectfully renew their request that the Commission grant the Companies' Motion For Summary Determination and conclude that GMO's use of the "KCP&L" brand is lawful, deny the Staff the relief it seeks in this proceeding, and dismiss the Complaint in its entirety.

Respectfully submitted,

/s/ James M. Fischer

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**Counsel for Kansas City Power & Light Company and
KCP&L Greater Missouri Operations Company**

Dated October 16, 2009

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Legal Memorandum was served via e-mail or first class mail, postage pre-paid, on this 16th day of October, 2009, upon:

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