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April 11, 2000

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 3660
Jefferson City, Missouri 65102

FILED²
APR 11 2000
Missouri Public
Service Commission

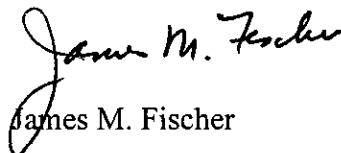
RE: *GS Technology Operating Company, Inc., d/b/a GST Steel Company*
Case No. EC-99-553

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original and fourteen (14) copies of Kansas City Power & Light Company's Motion to Strike Portions of the Direct Testimony of Jerry N. Ward Filed on Behalf of GST Steel Company. A copy of the foregoing Motion to Strike has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

/jr
Enclosures

cc: Paul S. DeFord
James W. Brew
Christopher C. O'Hara
Dana K. Joyce
Steven Dottheim
Lera L. Shemwell
John B. Coffman

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED²

APR 11 2000

Missouri Public
Service Commission

GS TECHNOLOGY OPERATING COMPANY,
INC., d/b/a GST STEEL COMPANY,)

Complainant,)

v.)

KANSAS CITY POWER & LIGHT
COMPANY,)

Respondent.)

Case No. EC-99-553

**KANSAS CITY POWER & LIGHT COMPANY'S MOTION TO STRIKE
PORTIONS OF THE DIRECT TESTIMONY OF JERRY N. WARD
FILED ON BEHALF OF GST STEEL COMPANY**

Respondent Kansas City Power & Light Company ("KCPL") hereby requests that the Public Service Commission of the State of Missouri ("Commission") grant its Motion to Strike Portions of the Direct Testimony of Jerry N. Ward filed on behalf of GS Technology Operating Company, Inc., d/b/a GST Steel Company's ("GST"). In support of its Motion to Strike, KCPL states as follows:

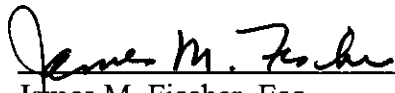
1. On November 17, 1999, GST filed the Direct Testimony of Jerry N. Ward with the Missouri Public Service Commission. Beginning on page 8, line 15 through page 11, line 2, inclusive, Mr. Ward discusses and quotes extensively from the Affidavit of Ronald F. Lewonski, GST's Central Maintenance Manager, which Affidavit was filed as an attachment to GST's Petition in this matter filed on May 11, 1999. The Affidavit of Mr. Lewonski presents numerous factual allegations (which KCPL disputes) related to GST's contention that KCPL's service has not been reliable.

2. Although Mr. Lewonski is an employee of GST, he did not pre-file testimony on behalf of GST and is not a witness in this proceeding. As a result, KCPL has no opportunity to cross-examine Mr. Lewonski concerning the factual allegations contained in his Affidavit.

3. It is improper for GST to attempt to introduce the allegations contained in Mr. Lewonski's Affidavit through the testimony of Mr. Ward. When Mr. Ward "relays" information presented in Lewonski's Affidavit for the truth of the matters discussed, the evidence is improper hearsay, and cannot be relied upon by the Commission. Such evidence is simply not "competent and substantial" evidence that can be considered by the Commission. The Commission has previously held that it is improper to rely upon statements contained in an Affidavit when the affiant is not a witness nor subject to cross-examination by opposing parties. Re Missouri Gas Energy, 4 Mo.P.S.C. 3d 53, 59-60 (Sept. 17, 1995). See also Re Capital City Water Company, 30 Mo.P.S.C. (N.S.) 373, 377 (October 31, 1990)(held improper for a witness to incorporate into his testimony information provided by another Company employee when the person with knowledge of the information was not subject to cross-examination). The Commission may not make findings of fact based upon hearsay when there is no other competent and substantial evidence to support those findings. See Mo. Const. art. V, § 18; State ex rel. De Weese v. Morris, 221 S.W.2d 206, 209 (Mo. 1949); State ex rel. Marco Sales, Inc. v. Public Service Commission, 685 S.W.2d 216 (Mo.App. 1984); See also Section 536.070(12), RSMo. 1994. Therefore, the above-referenced portions of the Direct Testimony of Jerry N. Ward should be stricken from the record in this proceeding.

WHEREFORE, Kansas City Power & Light Company respectfully requests the Direct Testimony of Jerry N. Ward, beginning on page 8, line 15 through page 11, line 2, inclusive, be stricken from the record.

Respectfully submitted,


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CERTIFICATE OF SERVICE

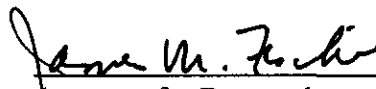
I hereby certify that copies of the foregoing document have been hand-delivered or mailed, First Class, U.S. Mail, postage prepaid, to the following counsel of record, this 11th day of April 2000:

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