

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

In the Matter of The Empire District Electric)
Company of Joplin, Missouri for Authority to)
File Tariffs Increasing Rates for Electric Service) Case No. ER-2011-0004
Provided to Customers in the Missouri Service)
of the Company)

**KANSAS CITY POWER & LIGHT COMPANY’S
RESPONSE TO THE EMPIRE DISTRICT ELECTRIC COMPANY**

As set forth in its March 25, 2011 pleading, Kansas City Power & Light Company (“KCP&L” or “Company”) believes it is appropriate for the Commission to utilize the ER-2010-0355 record evidence regarding the Iatan prudence issues in The Empire District Electric Company’s (“Empire”) rate case. In accordance with Empire’s March 21, 2011 motion, the way for the Commission to utilize the record evidence is to admit into the record:

All of the evidence admitted into the record in Case No. ER-2010-0355, including all live testimony (including cross examination and Commissioner questions and responses thereto), the parts of all pre-filed testimony and schedules which were admitted into the record, and all other exhibits, concerning the Iatan 1 and 2 and common issues. (Empire Motion, pp. 3-4)

While there are Iatan prudence issues unique to Empire in this case and Staff’s audit in this case is somewhat different than the Staff audit in the 0355 case, Empire will need to file its own testimony regarding these issues. Empire’s witnesses will also need to address any other Iatan prudence issue not addressed by the record in the 0355 case.

Following Midwest Energy Users Association’s (“MEUA”) opposition¹ to Empire’s motion, Empire filed a Reply in Support of its Motion. In that Reply, Empire indicated that it “expects that all parties will be able to provide evidence, or additional evidence, and to conduct

¹ In its March 25, 2011 Opposition to Motion of Empire, MEUA proffers inconsistent statements regarding the parties’ involvement in the cases. Within the context of collateral estoppel, MEUA states that neither Explorer Pipeline nor Enbridge Pipeline were parties in Case No. ER-2010-0355. However, MEUA itself was a party to this case and admits in the first page of its Motion that the pipeline companies are “participating members” of MEUA.

cross-examination or additional cross-examination with regard to any alleged imprudence on the part of KCP&L or Empire.” While KCP&L understands that other parties may wish to present additional evidence and/or cross-examine Empire’s live witnesses, KCP&L did not understand Empire’s March 21 motion to include cross- examination of the witnesses in the 0355 case. Indeed, Empire’s motion says nothing about additional cross-examination of KCP&L witnesses.

KCP&L does not believe that cross-examination of the 0355 Iatan prudence witnesses is an appropriate use of the Company’s or the Commission’s time and resources since the Iatan prudence issues were recently heard by the Commission during almost two weeks of testimony.

WHEREFORE, KCP&L does not object to a Commission order granting Empire’s motion requesting the 0355 evidentiary record be admitted into the record of this case but does object to a Commission order which would require the Company to produce witnesses for cross-examination at the hearing in this case.

Respectfully submitted,

/s/ Roger W. Steiner

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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, to all parties of record this 29th day of March, 2011.

/s/ Roger W. Steiner _____

Roger W. Steiner