

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

<b>In the Matter of the Application of Kansas</b>	)	
<b>City Power and Light Company for</b>	)	
<b>Approval to Make Certain Changes in its</b>	)	<b>Case No. ER-2006-0314</b>
<b>Charges for Electric Service to Begin the</b>	)	
<b>Implementation of Its Regulatory Plan.</b>	)	

**KANSAS CITY POWER & LIGHT COMPANY'S REPLY TO TRIGEN'S  
RESPONSE TO ORDER DIRECTING FILING**

Comes now Kansas City Power & Light Company ("KCPL"), pursuant to 4 CSR 240-2.080, by and through its undersigned counsel, and respectfully files its Reply to the Response To Order Directing Filing filed by Trigen-Kansas City Energy Corporation ("Trigen") on September 21, 2006. In support of its Reply, KCPL respectfully states:

1. On September 21, 2006, Trigen filed its Response To Order Directing Filing ("Response"). In its Response, Trigen asserted that KCPL had failed to answer Data Request Nos. 27(b) and (c); 28(a), (c), (d), (e), (f), (g) and (h); 29 (d) and (e); 31(c), (d), (f), (g), (h) and (g). (Trigen Response, p. 1). Prior to filing its Response on September 21, 2006, Trigen had not informed KCPL that Trigen had not received all of the responses to the data requests to which KCPL had indicated it would answer in KCPL's earlier Response to the Trigen Motion To Compel which was filed on September 1, 2006. Upon receipt of Trigen's Response, however, KCPL concluded it had inadvertently failed to include the responses that KCPL had prepared for DR Nos. 27 and 28 in its transmission of responses to Trigen's 4<sup>th</sup> Set of Data Request.

2. On September 22, 2006, the attached responses to DR Nos. 27 and 28 were provided to Trigen. With the receipt of KCPL's answers to DR Nos. 27 and 28, Trigen also has KCPL's responses to DR No. 29 (d) and (e), and 31 (c), (d), (f), (g), and

(h), since these responses cross-reference to the answers provided in DR Nos. 27 and 28. KCPL apologizes for its inadvertent error and any confusion it may have caused Trigen.

3. With regard to DR No. 37 (a) through (d), Trigen noted that KCPL's response stated that "[i]nformation related to this [incentive] plan has been provided in numerous data requests related to this case." Trigen complained that "providing the information to other parties in response to other data requests obviously does not help Trigen and clearly fails to provide a real response." (Trigen Response, p. 2) KCPL respectfully disagrees. With the concurrence of the parties to this case, KCPL has initiated a computerized Data Request retrieval system known as CaseWorksEX which allows all parties to review the responses to the data requests provided in this case. Trigen's failure to take advantage of the CaseWorksEX system to review the responses of interest to Trigen is not grounds for the Commission to compel KCPL provide duplicative answers to Trigen.

4. In DR Nos. 32(a)(iii), Trigen requested "a copy of all promotional marketing materials KCPL provided to each Trigen customer converted from steam heating to electric heating." KCPL's response to DR No. 32(a)(iii) indicated "KCPL does not have promotional marketing materials for the purpose of converting Trigen customers from the use of steam heating to electric heating." As a result, KCPL has no promotional marketing materials to provide to Trigen in response to DR No. 32(a)(iii).

5. With regard to DR No. 32 (a)(iv), KCPL would note that this data request is one of the data requests that KCPL continues to object to answering. (See KCPL's Response To Trigen's Motion To Compel Responses To Data Requests And For Expedited Treatment, p. 2-4). DR No. 32 (a)(iv) stated: "... please provide a copy of all

email correspondence, letters, notes and other documents in the possession of KCPL or its representative that serve to document KCPL's interaction with each converted customer."

6. For the reasons stated in KCPL's Objections dated August 14, 2006, and as further explained in KCPL's Response to Trigen's Motion To Compel filed on September 1, 2006, the Commission should deny the Motion as it relates to Trigen DR No. 32(a)(iv). This Data Request is not relevant or material to the pending matter, is not reasonably calculated to lead to admissible evidence, and would be burdensome for KCPL to answer at this late stage of the proceeding. This data request is an intrusion into the private communications between KCPL and its customers and is not intended to provide any useful information to the ratemaking process. The Commission should not sanction this type of abuse of the regulatory process to allow one of KCPL's competitors to rifle through the files and computers of KCPL in an effort to learn the private communications with KCPL's customers and prospective customers. It would be extremely burdensome for KCPL to obtain the requested information which is not readily available. It is particularly oppressive at a time when KCPL has very few days until its surrebuttal testimony to the Staff, Public Counsel, DOE/NNS, Praxair, Wal-Mart, Trigen, and MIEC is due to be filed on October 6, 2006.

**WHEREFORE**, Kansas City Power & Light Company respectfully requests that the Commission deny the Motion filed by Trigen on September 21, 2006.

Respectfully submitted,

/s/ James M. Fischer

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#### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been hand-delivered, emailed or mailed, First Class mail, postage prepaid, this 25th day of September, 2006, to Counsel of Record in this proceeding.

/s/ James M. Fischer

James M. Fischer

DATA REQUEST- Set TRIG\_20060804  
Case: ER-2006-0314  
Date of Response: 09/22/2006  
Information Provided By: Mike Deggendorf  
Requested by: Herz Joseph

Question No. : 27

The following pertains to the activities of KCPL's marketing group (i.e. the group that seeks to sell regulated KCPL products and services within KCPL's certificated Missouri territory).a) Are the activities of this group ratepayer-funded?b) Provide an estimate of the expense of efforts by this group (as well as expense of other departments or divisions within the Company allocated to downtown Kansas City, Missouri) specifically directed at moving existing and prospective customer load from alternative energy sources (e.g. Trigen district energy) onto the KCPL electric system.c) Please provide the last 5 years' actual historical and budgeted spending by this group and percentage that is funded by ratepayers.

Response:

a) KCPL assumes your reference to the marketing group is addressing the Energy Solutions Department. The activities of Energy Solutions are included in the Company's cost of service in our current rate case. (Response provided earlier)

b) We do not track costs in this manner. KCPL's Energy Solution's group is not specifically directed at moving existing and prospective customers from alternative energy sources (e.g. Trigen district energy) onto the KCPL electric system. KCPL's personnel respond to customer requests for alterations of service when existing buildings are being renovated for new purposes or where building loads are being altered increased. For existing and prospective buildings, information is routinely provided to customers on service options, service standards, metering choices, HVAC systems, energy use and related rate options, including electric heat solutions and tariffs.

c) See b) above.

DATA REQUEST- Set TRIG\_20060804

Case: ER-2006-0314

Date of Response: 09/22/2006

Information Provided By: Dave Henriksen

Requested by: Herz Joseph

Question No. : 28

Reference the programs contained in the Company's "regulatory plan" in Case No. EO-2005-0329 and the direct testimony of Susan K. Nathan in this case, Case No. ER-2006-0314. Recognizing that elimination of electrical load through the use of alternative energysources is different from curtailment per se, outright avoidance of lowload factor, high demand electrical usage nonetheless accomplishes the desired curtailment and is in fact preferable to costly and inconvenient efforts to perform spot curtailment. Consistent with this, the testimony and exhibits are replete with references to the need to reduce demand loading on the KCPL system. According to Ms. Nathan's testimony "it became apparent that KCP&L was not concerned about how the customer curtailed, as long as they did curtail" (Schedule SKN-1 to her testimony in ER-2006-0314; emphasis ours). It therefore follows that all reasonable means to pursue peak load demand reduction should be pursued. In light of the above, the Company's recognition of the need to reduce demand load, and the ratepayer-funded initiatives to reduce system peak loading, answer the following: a) Confirm that electrical system peak load avoidance, such as can be realized by displacement to alternative energy sources, is at least as desirable as curtailment of load, if not better as a policy goal. If such cannot be confirmed, please state why not. b) Further, confirm that occasions of highest system electrical demand loading coincide with the most intensive use of commercial chilling equipment and associated HVAC equipment. If such cannot be confirmed, please state why not. c) Confirm also that KCPL stands behind Ms. Nathan's own testimony regarding the demand response initiatives and the need to curtail HVAC loading, particularly the statement that "...it became apparent that KCP&L was not concerned about how the customer curtailed, as long as they did curtail" (Schedule SKN-1 to her testimony in ER-2006-0314; emphasis ours), and that migration of low-load factor, high demand load such as that presented by Bartle to the steam-driven alternative would be consistent with Ms. Nathan's testimony and the ratepayer-supported efforts to reduce peak system loading. If such cannot be confirmed, please state why not. d) Reconcile the contemporaneous marketing efforts by Great Plains Energy/Kansas City Power & Light employees to convince the City of Kansas City Missouri/Bartle Hall Convention Center to forgo/discontinue receiving heating steam and steam-driven chilled water service from Trigen and Trigen's chilled water service affiliate. e) State the number of megawatts by which such a decision by Bartle Hall, encouraged by KCPL, would increase KCPL's peak system demand load. Explain how the marketing group's ratepayer-funded efforts to effectively increase peak summertime loading on the system can coexist simultaneously with Ms. Nathan's ratepayer-funded efforts to reduce peak system loading. f) Explain how the Company's customer base is served by these actions. g) Explain the public policy interest served by the Company in this regard. h) Provide all communications, external

and internal, related to KCPL's pursuit of the chilled water business at Bartle Hall. Include all notes, emails, internal studies and evaluations.

Response:

- a) Ms. Nathan's testimony is what it is. In regard to the question asked here, KCPL has not conducted any study which would support this hypothesis.
- b) KCPL's summer peak is primarily driven by extreme summer temperatures and associated weather conditions. The root cause of the summer peak (relative to other seasonal peaks) is the large amount of customer cooling load imposed on the system. However, KCPL does not have specific end-use load data available that would permit the unequivocal statement that the "occasions of highest system electrical demand loading coincide with the most intensive use of commercial chilling equipment and associated HVAC equipment". Load diversity between commercial, industrial and residential load also plays a determining factor as to when during a particular day the KCPL system will experience a peak. (Response provided earlier)
- c) Ms. Nathan's testimony is what it is. Ms. Nathan's testimony concerned the unnecessary burden tracking 3 different sub-programs would place on the company. KCPL does not agree with the characterization of the statement or of remainder of this question. KCPL has not conducted any study which would support this hypothesis.
- d) KCPL supplies solutions and information to customers to allow them to make the decisions that best meet their needs. KCPL does not view this as contradictory.
- e) KCPL has not conducted any study which would provide this information.
- f) KCPL supplies solutions and information to customers to allow them to make the decisions that best meet their needs, which KCPL believes is in the best interest of the customer.
- g) Fully informed customers are able to make better decisions that benefit their business, and therefore the local economy.
- h) KCPL has formally objected to this question.

Attachments: None