

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of a Proposed Experimental	)	
Regulatory Plan of	)	Case No. EO-2005-0329
Kansas City Power and Light Company	)	

**SIERRA CLUB AND CONCERNED CITIZENS OF PLATTE COUNTY'S  
MOTION TO ALLOW FOR MORE TIME FOR FILING THE LIST OF ISSUES  
AND POSITION STATEMENT AND TO CONTINUE THE HEARING**

Sierra Club ("SC") and Concerned Citizens of Platte County ("CCPC") hereby move to continue the dates for filing the list of issues, list of witnesses and position statements from May 31 to June 8 and the date of the evidentiary hearing from June 6 to June 23. In support of their motion, SC and CCPC state:

1. The Order Establishing Procedural Schedule states that the List of Issues and Witnesses and Order of Cross-Examination will be filed on May 31. This means that the list will be fully agreed to before May 31, presumably in the conference call scheduled for May 26.

2 The parties have not yet completed discovery, and, accordingly, SC and CCPC are unable to commit to the issues they will raise, unless they are allowed to state them in the most general of terms. SC and CCPC are filing a second set of interrogatories on May 25, will not likely receive the responses before May 31 and not receive their experts' analyses of these responses until June 3.

3. Because SC and CCPC will not receive all discovery responses until May 31, and will not have time to analyze them and discuss the disputed materials with KCPL

before May 31, SC and CCPC request the Commission to continue the due date for the list of issues and witnesses to June 8.

4. KCPL propounded data requests to SC and CCPC on May 18 and was under the impression that SC and CCPC would file responses to them by May 23. Because SC's expert was out of town from May 19-22, SC has been unable to answer those. A second expert has similarly been out of town during this week and his answers will not be ready before the phone call scheduled for Thursday morning, May 26.

5. SC and CCPC therefore request that they have until June 3 in which to answer the data requests propounded to them by KCPL.

6. The Order Establishing Procedural Schedule allows for two days after the filing of the list of issues in which to file position statements. Given the technical nature of this case, this would not appear to be sufficient time. Therefore, SC and CCPC request a period of seven days in which to file position statements, which could be done by June 15

7. At the pre-hearing conference on May 3, 2005, all of the parties with the exception of KCPL agreed that June 23 would be an agreeable date for the evidentiary hearing.

8. At the continuation of the conference call the next day, the hearing date was set for June 6, even though DOE and SC and CCPC, the main objectors to the stipulation, both agreed that June 23 was a better date for the hearing.

9. KCPL's stated reason for wanting the hearing to be June 6 and not June 23 was something to the effect that KCPL needed more time to work out its contracts with

Aquila and another party, which have an August deadline. Although KCPL is undoubtedly under pressure, it is unfair to deprive SC and CCPC of even the semblance of reasonable time limits in which to prepare its case. Additional time is needed to review the materials and prepare for the hearing.

10. SC and CCPC therefore request that the hearing be continued until June 23.

WHEREFORE, for the foregoing reasons, SC and CCPC request the Commission to continue the hearing until June 23 and to change the dates for all future deadlines to allow for an adequate amount of response time.

/s/Kathleen G. Henry  
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Attorneys for Sierra Club and  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct PDF version of the foregoing was sent by email on this 25th day of May, 2005, to the parties listed on the Service List for this case according to the Public Service Commission web site's service list.

/s/Kathleen G. Henry  
Kathleen G. Henry