

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

In the Matter of Veolia Energy Kansas City, Inc.)
for Authority to File Tariffs to Increase Rates)

Case No. HR-2011-0241

RESPONSE OF KANSAS CITY POWER & LIGHT COMPANY

Kansas City Power & Light Company (“KCP&L”), in response to Veolia Energy Kansas City, Inc.’s (Veolia) July 13, 2011 Request for Evidentiary Hearing states as follows:

1. Veolia attempts to argue that there are many disputed factual issues raised by KCP&L’s Motion to Compel. However, there are no relevant factual issues in dispute. KCP&L requests that the same data request responses provided to staff be provided to KCP&L’s counsel of record and outside expert pursuant to 4 CSR 240-2.135. This rule has been used effectively to protect sensitive information for over 25 years and prohibits both counsel and provides that highly confidential information cannot be used outside of the case that it is produced in. As it did in the last Veolia rate case, the Commission should find that its existing rule protects the interests of Veolia.

2. After KCP&L filed its Motion to Compel, Veolia requested a protective order under 4 CSR 240-2.135(5). As KCP&L and MGE pointed out in their July 11th responses, Veolia’s motion did not meet its burden in several respects.

3. Any lack of factual evidence at this stage is due to Veolia’s own actions and should not be used to delay a Commission decision on KCP&L’s Motion to Compel. Veolia’s motion for a protective order was deficient in that it contained mere allegations. Veolia also did not explain, as required under section 5 of the 4 CSR 240-2.135, how the information may be disclosed to the

parties that require the information while protecting its interests and the interests of the public. Veolia's evidentiary problem was noted by RLJ Jordan at the July 1 discovery conference. See, July 1 hearing transcript, p, 41. But instead of rectifying the problem immediately with affidavits in a supplemental filing, Veolia waited until July 13 to request an evidentiary hearing.

4. In a new argument, Veolia alleges at paragraph 5 that it will be too time consuming and costly for it to provide the data request responses to KCP&L. This argument can be rejected without a hearing as KCP&L is requesting the exact same responses that have been provided to staff.

5. Veolia's actions regarding KCP&L's discovery have unfairly delayed KCP&L's work on its rebuttal case. This case was filed in January and KCP&L has still not seen any of the workpapers or HC data request responses in Veolia's direct case. Adding an evidentiary hearing to accommodate Veolia's deficient filings will only add to this delay.

WHEREFORE, KCP&L respectfully requests that the Commission deny Veolia's request for an evidentiary hearing and immediately order Veolia to produce a response, including all highly confidential information, to data request no. 1 to KCP&L's attorneys of record and its outside expert.

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner MBN#39586
Corporate Counsel
Kansas City Power & Light Company
1200 Main Street, 16th Floor
Kansas City, MO 64105
Telephone: (816) 556-2314
Fax: (816) 556-2787
Email: roger.steiner@kcpl.com

James M. Fischer MBN#27543
Fischer & Doriety, P.C.
101 Madison, Suite 400
Telephone: (573) 636-6758
Fax: (573) 636-0383
Email: jfischerpc@aol.com

ATTORNEY FOR
KANSAS CITY POWER & LIGHT COMPANY

Dated: July 15, 2011

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, this 15th day of July, 2011 to all counsel of record in this case.

/s/ Roger W. Steiner

Roger W. Steiner