

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

In the Matter of Kansas City Power & Light     )  
Company's Request for Authority to             ) Case No. ER-2012-0174  
Implement a General Rate Increase for         )  
Electric Service.

In the Matter of KCP&L Greater Missouri     )  
Operations Company's Request for Authority    ) Case No. ER-2012-0175  
to Implement a General Rate Increase for       )  
Electric Service.

**RESPONSE TO STAFF**

Kansas City Power & Light Company ("KCP&L"), and KCP&L Greater Missouri Operations Company ("GMO"), (collectively referred to as the "Company"). hereby submits to the Missouri Public Service Commission its response to Staff of the Missouri Public Service Commission's ("Staff") *Response in Compliance With Order Directing Expedited Filing*, submitted September 28, 2012.

1. Staff's assertion in paragraphs 4 & 5 that the Company's assertion of attorney client privilege was untimely or not according to Commission procedure is incorrect. In a past KCP&L rate case, the Commission held that the requirement that a written objection be filed within ten days does not, and cannot, apply to attorney client privilege claims. See, Order Regarding Staff's Motion to Compel, Case No. ER-2009-0089, December 9, 2009, pp.16-17. The Commission found that, given the volume of documents sought in data requests, the company must have sufficient time to review documents and ascertain that fact that the data would be protected by privilege. Thus, the Company has followed the procedures established by the Commission with respect to the assertion of attorney client privilege by asserting the privilege in the response to the data

requests in this case. The Company asserts that the same logic should apply for assertions of the accountant-client privilege and attorney work product. Wherefore, the Company respectfully requests that the Commission issue an Order quashing the subpoena *duces tecum* and the notice of deposition issued by staff.

Respectfully submitted,

*/s/ Roger W. Steiner*

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**Attorney for Kansas City Power & Light  
Company and KCP&L Greater Missouri  
Operations Company**

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 28<sup>th</sup> day of September, 2012.

*/s/ Roger W. Steiner*

Roger W. Steiner