

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

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

**KANSAS CITY POWER & LIGHT COMPANY'S RESPONSE TO TRIGEN'S
MOTION TO COMPEL RESPONSES TO DATA REQUESTS AND FOR
EXPEDITED TREATMENT**

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 response to the Motion To Compel Responses To Data Requests And For Expedited Treatment ("Motion") filed on August 25, 2006 by Trigen-Kansas City Energy Corporation ("Trigen"). In support of its response, KCPL respectfully states:

1. On August 4, 2006, Trigen served its 4th Set of Data Requests¹ on KCPL.
2. On August 14, 2006, KCPL's counsel emailed and faxed to Mr. Jeffrey A. Keevil, Trigen's counsel of record in this proceeding, a letter dated August 14, 2006, which contained KCPL's specific objections to Trigen's 4th Set of Data Requests.²
3. On August 25, 2006, Trigen filed its Motion seeking the Commission to compel KCPL to provide certain information, communications, emails, analysis and similar information related to KCPL's interactions with customers that have the option of choosing services provided by Trigen, KCPL, or both.

¹ Trigen's 4th Set of Data Requests were attached to Trigen's Motion filed on August 25, 2006.

² KCPL's objections to Trigen's 4th Set of Data Requests were attached to Trigen's Motion filed on August 25, 2006.

4. Trigen's 4th Set of Data Requests requested information that is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. The requested information is irrelevant and immaterial to the issues in this rate case, and is intended to obtain information that would be of significant benefit to Trigen as a competitor of KCPL, but of no relevance to the ratemaking process. Some of the most egregious examples of these requests that are not relevant to the ratemaking process but merely intended to give Trigen sensitive, competitive information related to the competition between Trigen and KCPL for customers include the following:

DR No. 28 h): "all communications, external and internal, related to KCPL's pursuit of the chilled water business at Bartle Hall. Include all notes, email, internal studies and evaluations."

DR No. 31 g): "Provide all communications, external and internal, related to KCPL's pursuit of space heating and chilled water business from buildings currently taking or contemplating taking district heating and/or cooling service from Trigen or its affiliates. Include all notes, emails, internal studies and evaluations."

DR No. 32 (a)(iv): ". . . 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."

5. While KCPL believes that the Data Requests contained in Trigen's 4th Set of Data Requests are largely irrelevant to the matter currently pending before the

Commission and objected in order to preserve its rights, in the spirit of cooperation, KCPL intends to answer the following Trigen Data Requests within ten days:

DR No. 26

DR No. 27

DR No. 28 (a)-(g), inclusive

DR No. 30

DR No. 31 (a)-(h), inclusive

DR No. 32 (a)(i) – (iii) and 32(b)

DR No. 33

DR No. 34

DR No. 35

DR No. 36

DR No. 37

DR No. 38 [Withdrawn by Trigen, Motion, p. 12, fn. 6]

DR No. 39

6. For the reasons contained in KCPL's Objections dated August 14, 2006, and as further explained herein, the Commission should deny the Motion as it relates to Trigen DR Nos. 28(h), 31(g)³, and 32(a)(iv). These Data Requests are not relevant or material to the pending matter, are not reasonably calculated to lead to admissible evidence, and would be burdensome for KCPL to answer at this late stage of the proceeding. These are intrusions into the private communications between KCPL and its

³ Trigen DR No. 31 contains two subparts labeled "g". KCPL will answer the first "g" subpart, but continues to object to the second "g" subpart.

customers and are 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 Rebuttal Testimony to the Staff, Public Counsel, DOE/NNS, Praxair, Wal-Mart, Trigen, and MIEC is due to be filed with the Commission in one week.

WHEREFORE, Kansas City Power & Light Company respectfully requests that the Commission deny the Motion filed by Trigen as it relates to DR Nos. 28(h), 31(g), and 32(a)(iv) filed in this proceeding.

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 1st day of September, 2006, to Counsel of Record in this proceeding.

/s/ James M. Fischer

James M. Fischer