BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

KANSAS CITY POWER & LIGHT COMPANY'S RESPONSE IN OPPOSITION TO 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

COMES NOW Kansas City Power & Light Company ("KCPL") and, pursuant to 4 CSR 240-2.080, hereby files its response in opposition to the 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 filed on May 25, 2005. In support thereof, KCPL states as follows:

1. In its Order Establishing Procedural Schedule issued on May 6, 2005, the Commission stated on page 1:

> At the prehearing conference held on May 3, 2005, and in continuing discussions thereafter, the parties agreed upon dates for local hearings and for an evidentiary hearing. The Commission will adopt these dates, and provide a date for the filing of the list of issues, list of witnesses, and order of cross-examination. (emphasis added).

2. As the Commission's Order correctly noted, all the parties, including the Sierra Club ("SC") and the Concerned Citizens of Platte County ("CCPC"), agreed to the procedural schedule that was adopted by the Commission in its May 6, 2005 Order. This procedural schedule included the scheduling of local public hearings in Kansas City, Missouri and Platte County which had been specifically requested by the SC and CCPC. These local hearings were

held on May 24, 2005, and numerous representatives of SC, CCPC and the general public testified before the Commission.

3. At the prehearing conference, the parties also agreed to a schedule for discovery. As a part of this agreement among all of the parties, including the SC and CCPC, KCPL agreed to expedite its responses to the expected discovery of the SC and CCPC, and respond within five (5) business days of receipt of the request for information. KCPL has complied with its agreement to provide expedited responses. In addition, at the request of counsel for SC and CCPC, KCPL also agreed to allow a two-day extension of time for the SC and CCPC to issue additional follow-up discovery to accommodate the traveling schedule of an expert witness of these intervenors who wished to attend a graduation ceremony. SC and CCPC issued those follow-up interrogatories on the afternoon of May 25, 2005, the same day that it requested a continuance of the evidentiary hearings. KCPL expects to be able to answer a substantial number of those follow-up interrogatories by Friday, May 27, 2005, a two-day turnaround time.

4. In order to prepare for the scheduled hearing, KCPL also issued to the SC and CCPC data requests on May 18, 2005, which were intended to solicit basic information about the witnesses that SC and CCPC intended to sponsor at the evidentiary hearings. (*See* attached KCPL's First Data Request to The Sierra Club And Concerned Citizens Of Platte County). These data requests merely requested that SC and CCPC identify the expert witnesses that SC and CCPC intended to sponsor, and provide their professional and educational background, a summary of the opinions that they would present at the evidentiary hearings, and a copy of testimony previously filed or sponsored by each expert witness in other cases. To date, the SC and CCPC have been unwilling or unable to identify their witnesses or provide the other basic information requested in KCPL's data request. In their Motion, SC and CCPC now request that

they be allowed to answer these basic data requests the last business day before the commencement of hearings. If this request were granted, KCPL, Staff, and other interested parties would be substantially disadvantaged since SC and CCPC intend to present "live" testimony without the filing of pre-filed written testimony. As a result, KCPL, Staff and other interested parties will have little, if any, opportunity to prepare to respond to the opinions of the SC and CCPC expert witnesses.

5. In contrast, SC and CCPC have had a substantial amount of time to prepare their position on the issues in this case. SC and CCPC have participated in the workshop proceedings that were commenced in Case No. EW-2004-0596 on June 3, 2004. In addition, the Stipulation and Agreement in this proceeding was filed on March 28, 2005, and KCPL pre-filed the testimony of its witnesses on April 11, 2005, nearly two months before the scheduled evidentiary hearings. It is unnecessary and unreasonable to grant SC and CCPC's motion for a continuance merely so they can take additional time to prepare their position in opposition to the construction of a coal-fired plant. This has been the stated position of SC and CCPC since the commencement of the workshops in Case No. EW-2004-0596!

6. As SC and CCPC alluded to in their motion, it is important that the Commission hear this proceeding on June 6-8, 2005, since the Commission has two related proceedings involving the regulatory plans of Aquila, Inc. and The Empire District Electric Company that must also be resolved before Aquila and Empire can move forward on their respective plans to participate in the Iatan 2 generation unit.[1] Under the terms of the Stipulation and Agreement in this proceeding, these electric companies must "demonstrate that they have a commercially feasible financing plan for meeting their financial commitments to participate in the ownership

[1] *See Re Aquila, Inc.*, Case No. EO-2005-0293; and *Re The Empire District Electric Company*, Case No. EO-2005-0263.

of the Iatan 2 plant by the later of August 1, 2005, or such date that KCPL shall issue its request(s) for proposals(s) related to Iatan 2." (Stipulation and Agreement, p. 51) In order for these potential partners to demonstrate that they have commercially feasible financing plans for Iatan 2, it will be necessary for the Commission to review and approve their financing plans. It is therefore important that the Commission move forward in this case as well as in Case Nos. EO-2005-0263 and EO-2005-0293 as soon as possible in order to ensure that the construction schedule of Iatan 2 is not delayed.

WHEREFORE, for the reasons set forth herein, KCPL respectfully requests that the Commission deny the CCPC and SC's Motion To Allow For More Time For Filing The List of Issues and Position Statement And to Continue The Hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 25th day of May, 2005, to counsel of record.

/s / James M. Fischer

James M. Fischer

KANSAS CITY POWER & LIGHT COMPANY

Missouri Public Service Commission
Docket No. EO-2005-0329

KCPL'S First Data Request to
THE SIERRA CLUB AND
CONCERNED CITIZENS OF PLATTE COUNTY

Item No.	Description
1-1.	Please identify the name, address, and employer of all expert witnesses that the Sierra Club and/or Concerned Citizens Of Platte County (CCPC) intend to sponsor at the evidentiary hearings in this case.
1-2.	Please provide a resume, vitae, or summary of the educational and professional background of each expert witness that the Sierra Club and/or Concerned Citizens Of Platte County (CCPC) intend to sponsor at the evidentiary hearings in this case.
1-3.	Please provide a summary of the opinions that each expert witness will present at the evidentiary hearings in this case, and provide all workpapers, supporting documentation, and other information that forms the basis for his opinions.
1-4.	Please provide a copy of all testimony previously filed or sponsored by each expert witness before any court, administrative agency, public service commission, state department of natural resources, Environmental Protection Agency or similar tribunal in other cases.

[redacted]

Attachment No. 1