



Gerald A. Reynolds

(816) 556-2138
(816) 556-2787 (Facsimile)

August 10, 1999

VIA OVERNIGHT DELIVERY

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

FILED²
AUG 11 1999
Missouri Public
Service Commission

RE: Case No. EC-99-553

Dear Mr. Roberts:

Enclosed for filing with the Commission in the above-referenced matter are the original, and 15 copies of Kansas City Power & Light Company's Notice of Modification. In addition, I have enclosed a return envelope whose postage is prepaid. Please time stamp one of the copies and return it to KCPL.

Please bring this filing to the attention of the Commission.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Gerald A. Reynolds'.

Gerald A. Reynolds

Enclosures

cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

AUG 11 1999

Missouri Public
Service Commission

GST Steel Company,

Complainant,

v.

Kansas City Power & Light Company,

Respondent.

Case No. EC-99-553

**NOTICE OF MODIFICATION OF KANSAS CITY
POWER & LIGHT COMPANY'S RESPONSE TO GST'S
SECOND AND THIRD SETS OF DISCOVERY REQUESTS**

COMES NOW Kansas City Power & Light Company ("KCPL"), and submits this notice to inform the Commission of KCPL's modification of its response to the Second and Third Sets of discovery requests propounded by GST Steel Company ("GST"). In support thereof, KCPL states the following:

1. On or about July 23, 1999, GST filed a Motion to Compel regarding its Second and Third Sets of Discovery Requests ("Motion to Compel"). On or about July 30, 1999, KCPL filed its reply to the Motion to Compel.

2. On or about July 29, 1999, Regulatory Law Judge Kevin A. Thompson, by delegation of authority, overruled all of KCPL's objections to GST's First Set of Discovery Requests, and ordered KCPL to answer GST's interrogatories and production requests (the "Order").

3. In light of the Order, and in the event that the Commission denies KCPL's Motion for Reconsideration, KCPL withdraws its objections to most of the requests

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contained in GST's second and third sets of discovery requests ("Discovery Requests"). KCPL is in the process of gathering the voluminous material sought by GST.

4. GST has undermined its stated desire for a speedy resolution to this matter by serving overly broad discovery requests. Including subparts, GST has served KCPL with over 200 discovery requests. Due to the broad nature of these discovery requests, KCPL anticipates that it will take hundreds of man-hours to produce hundreds, if not thousands, of documents that are responsive to GST's Discovery Requests. It will take KCPL several weeks to compile, collate, and review these documents. Despite its decision to voluntarily comply with most of GST's Discovery Requests, KCPL maintains its objections to four categories of discovery requests:

- a) information that predates 1994,
- b) information protected by the attorney-client privilege and/or work product doctrine,
- c) information relating to the Hawthorn Incident, and
- d) those instances where KCPL has a legal obligation not to disclose information to third parties.

5. Most, if not all, of GST's allegations flow from the Restated and Amended Power Supply Agreement that was signed in 1994 ("Special Contract"). Many of GST's requests seek information that predates that execution of the Special Contract by five (5) years. KCPL continues to object to discovery requests that seek information prior to 1994. KCPL, however, will answer interrogatories and provide GST documents from the period beginning January 1, 1994 to the present. The information sought by GST that predates January 1, 1994 is irrelevant. Moreover, GST's request that KCPL supply

information dating back to 1989 is burdensome. Upon information and belief, many of the ten-year old documents have been placed in storage or reduced to microfiche.

6. As suggested above, KCPL's attorneys have not reviewed the documents that are encompassed by GST's Discovery Requests. Until this legal review is completed, KCPL reserves the right to object to the production of any information that is protected by the attorney client privilege and/or the work product doctrine. KCPL will provide GST with a privilege log if KCPL asserts any privilege or legal protection.

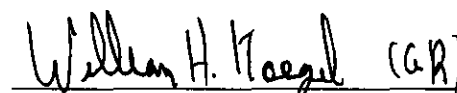
7. On June 1, 1999, the Commission issued its Order Denying Motion for Immediate Relief Directing Expedited Response to Complaint, Setting Prehearing Conference, and Requiring Filing of Procedural Schedule ("Commission Order"). In said order, the Commission stated that it "will not conduct its investigation of the boiler explosion at Hawthorn within the context of this case." See Commission Order at p.4.

8. Accordingly, KCPL maintains its objections with respect to those requests contained in the Discovery Requests that seek information relating to the explosion, shutdown and investigation of Hawthorn 5 Generating Station, including, Request Nos. 2.5, 2.7, 2.8, 2.9, 2.10, 2.11, 2.27, 2.28, 3.41, 3.42, 3.43, 3.44, 3.45, 3.46, 3.47, 3.48, 3.49, and 3.50.

9. In Request No. 2.41, GST requests a copy of the production costing model used by KCPL. As stated in its original objection, KCPL's licensing agreement with the software's owner prohibits KCPL from providing copies of the production costing model to third parties. Consequently, KCPL maintains its objection to Request No. 2.41. KCPL, however, has offered to arrange a demonstration of the software for GST.

10. Subject to the objections listed above, KCPL will provide information responsive to the following discovery requests: 2.1, 2.2, 2.3, 2.4, 2.6, 2.9, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, 2.26¹, 2.29, 2.30, 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, 3.27, 3.28, 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.51, 3.52, 3.54, 3.55, 3.56, 3.57, 3.58, 3.59, 3.60 and 3.61

Dated at Kansas City, Missouri, this 10th day of August, 1999.

 (G.R.)

William H. Koegel MO #33382
Gerald A. Reynolds CT # 407871
Kansas City Power & Light Company
1201 Walnut
Kansas City, MO 64106
(816) 556-2785 (Telephone)
(816) 556-2787 (Telecopy)

¹ It is not clear whether Request No. 2.26 seeks information relating to the Hawthorn Incident. KCPL objects to Request No. 2.26 to the extent that it seeks copies of documents relating to the Hawthorn Incident.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been sent via overnight mail and/or U.S. Mail to the following counsel of record this 10th day of August, 1999:

Paul S. Deford
Kurt U. Schaefer
Lathrop & Gage, L.C.
2345 Grand Avenue, Suite 2500
Kansas City, Missouri 64108

James W. Brew
Christopher C. O'Hara
Brickfield Burchette & Ritts, P.C.
8th Floor, West Tower
1025 Thomas Jefferson Street, NW
Washington, DC 20007

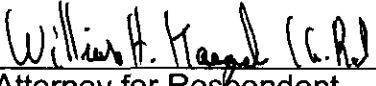
Attorneys for Complainant GST Steel Company

Dana K. Joyce
Steven Dottheim
Lera L. Shemwell
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

Attorneys for Staff of the Missouri Public Service Commission

John B. Coffman
Office of the Public Counsel
P. O. Box 7800
Jefferson City, Missouri 65102

Attorney for the Office of Public Counsel



Attorney for Respondent
Kansas City Power & Light Company