

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

In the Matter of the Application of Kansas City )  
Power & Light Company for Approval to Make )  
Certain Changes in its Charges for Electric ) **File No. ER-2010-0355**  
Service to Continue the Implementation of Its )  
Regulatory Plan )

In the Matter of the Application of KCP&L )  
Greater Missouri Operations Company for ) **File No. ER-2010-0356**  
Approval to Make Certain Changes in its )  
Charges for Electric Service )

**RESPONSE IN OPPOSITION  
TO ROBERT WAGNER'S OBJECTIONS  
TO HERDEGEN'S PREFILED REBUTTAL TESTIMONY**

COMES NOW Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (collectively, "Company"), pursuant to Missouri Public Service Commission's ("Commission") Rule 4 CSR 240-2.080(15), and for its Response in Opposition to Robert Wagner's Objections to Herdegen's Prefiled Rebuttal Testimony, respectfully states as follows:

1. Robert Wagner, a *pro se* intervener in these proceedings, is proposing changes to the Companies' tariffs to include a part-night rate and associated controller for turning outdoor lights like streetlights, ornamental street lighting, and private unmetered protective lighting off from midnight to 6:00 a.m.; the inclusion of rates for lower wattage high pressure sodium outdoor lamps; and for the conversion of outdoor rates from listing lumens and wattages to listing expected illumination on the ground.<sup>1</sup> He

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<sup>1</sup> Indeed, Mr. Wagner's applications to intervene expressly state that his participation would be limited to specific outdoor lighting matters (identifying specific tariff sheet pages for each respective company).  
(Continued)

also seeks to prohibit the marketing of outdoor lights as safety, security or crime prevention lights without a company guarantee to the effectiveness of such lighting in addressing safety, security or crime prevention protection. While testifying that he is affiliated with the International Dark-Sky Association, serving as the President of its Board of Directors, Mr. Wagner represents that he is testifying on behalf of himself. It does not appear that Mr. Wagner receives service under the respective tariffs that he wishes to change.

2. To address the testimony of Mr. Wagner, Company has prefiled Rebuttal Testimony of Mr. William P. Herdegen, III, Vice President, Transmission and Distribution Operations, a senior executive with over thirty-three years of experience in the electric utility industry. Possessing a Bachelor of Science in Electrical Engineering (along with an MBA from the University of Chicago), Mr. Herdegen has held various positions in the electric utility industry including field engineer, district manager, business unit supply manager, operations manager and vice president – Engineering, Construction and Maintenance. His current responsibilities include the maintenance and operation of the transmission and distribution systems of the Company. A part of Mr. Herdegen’s current responsibilities is the oversight of the management of streetlight

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**6. Limitation and Scope.**

This Petition to Intervene is limited to addressing the public interest in requiring KCP&L to develop a new rate for Part Night street and area lighting under Sheets 33, 35, 35A-C, 36, 36A-B, 45 and 45A and to incorporate, within these schedules, rates for lower wattage High Pressure Sodium lamps used in typical street lighting applications in other parts of the country. (Application, ER-2010-0355, p. 3).

**6. Limitation and Scope.**

This Petition to Intervene is limited to addressing the public interest in requiring OGM [sic] to develop a new rate for Part Night street and area lighting under Sheets 41, 43, 88 and 89 and to incorporate, within these schedules, rates for lower wattage High Pressure Sodium lamps used in typical street lighting applications in other parts of the country. (Application, ER-2010-0356, p. 3).

operations and maintenance. These responsibilities include interfacing with municipal customers of leased streetlights, the contracting of the installation and maintenance operations of streetlights and dusk-to-dawn lighting options. As Mr. Herdegen testifies, Company is currently involved in several LED technology pilot projects with its street lighting customers.

3. Mr. Wagner's "Objections" suggest that Mr. Herdegen "has not been identified as an expert or posses (sic) a background in any of the issues related to Robert Wagner's Direct Testimony . . . [a]s such his opinion is not relevant to the case." Company strongly denies such allegations, and a cursory review of Mr. Herdegen's professional qualifications, experience and testimony refutes these baseless claims. As Mr. Herdegen and his team interface with the streetlight and area lighting customers and address their issues and concerns, Mr. Herdegen clearly is qualified to speak to the tariff changes that Mr. Wagner proposes. Mr. Wagner then proceeds to lodge specific, specious objections based upon such claims that Company rebuttal testimony reflects "improper characterization" of Wagner's testimony, and that the reference to, and clarification of, documents addressed in Wagner's testimony is somehow prohibited due to prior data request responses. If Mr. Wagner wants to pursue such concerns, he may attempt to do so during cross-examination; however, there is no basis stated in his "objections" for the Commission to strike "the entirety or objected to portions of Mr. William P. Herdegen, III's rebuttal testimony." Company will not burden the record with a point-by-point rebuttal to his objections at this time. Any such purported defects in Mr. Herdegen's testimony – and Company again denies same – would be taken into

consideration regarding the weight and credibility assigned by the Commission to such testimony.

WHEREFORE, Company respectfully submits its Response in Opposition to Robert Wagner's Objections to Herdegen's Prefiled Rebuttal Testimony, and requests that the Commission deny Robert Wagner's objections and the relief requested therein.

Respectfully submitted,

/s/ Larry W. Dority

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**ATTORNEYS FOR KANSAS CITY  
POWER & LIGHT COMPANY and  
KCP&L GREATER MISSOURI  
OPERATIONS COMPANY**

**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 24<sup>th</sup> day of January, 2011, to all parties of record.

/s/ Larry W. Dority  
Larry W. Dority