

**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 Charges for Electric Service to Continue the Implementation of Its Regulatory Plan) Case No. ER-2009-0089
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In the Matter of the Application of Aquila, Inc. dba KCP&L Greater Missouri Operations Company for Approval to Make Certain Changes in its Charges for Electric Service) Case No. ER-2009-0090
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In the Matter of the Application of Aquila, Inc. dba KCP&L Greater Missouri Operations Company for Approval to Make Certain Changes in its Charges for Steam Heating Service) Case No. HR-2009-0092
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**PROPOSED PROCEDURAL SCHEDULES OF
KANSAS CITY POWER & LIGHT COMPANY AND
KCP&L GREATER MISSOURI OPERATIONS COMPANY**

Kansas City Power & Light Company (“KCP&L”) and KCP&L Greater Missouri Operations Company (“GMO”) (collectively, the “Companies”) hereby provide to the Missouri Public Service Commission (“Commission”) proposed procedural schedules for the above-captioned cases. As discussed herein, the Companies provide two schedules; one based on the hearing dates established by the Commission in its September 12, 2008 orders (“Hearing Date Orders”) and an alternative schedule to be considered if the Commission believes that the dates established in the Hearing Date Orders do not give it adequate time to deliberate and issue its orders in these cases. In support hereof, the Companies state as follows:

BACKGROUND

1. In 2005, KCP&L, Staff, OPC, Praxair, and other parties negotiated and executed a regulatory plan concerning the implementation of KCP&L’s comprehensive energy plan

(“Regulatory Plan Stipulation”). The Commission approved the Regulatory Plan Stipulation in Case No. EO-2005-0329.

2. The Regulatory Plan Stipulation contemplates KCP&L submitting four rate cases over the course of the plan. The Regulatory Plan Stipulation sets forth identical timeframes for each of the four cases. Specifically, the Regulatory Plan Stipulation provides (i) that the rates resulting from the cases will go into effect eleven months after KCP&L submits its application and (ii) that the true-up date for the cases will be three months prior to the effective date of the rates. KCP&L submitted and the Commission prosecuted KCP&L’s 2006 rate case (Case No. ER-2006-0314) and its 2007 rate case (Case No. ER-2007-0291) consistent with that timeframe.

3. Consistent with the Regulatory Plan Stipulation and its 2006 and 2007 rate cases, on September 5, 2008 KCP&L submitted its current rate case (Case No. ER-2009-0089) with an effective date for rates eleven months after filing, *i.e.*, August 5, 2009, and a true-up date three months prior to that, *i.e.*, April 30, 2009. GMO filed its electric rate case (Case No. ER-2009-0090) at the same time with the same dates because of its ownership interest in Iatan 1 and the financial significance of the air quality control equipment being added to that unit. The anticipated in-service date for that equipment is the key driver for the timing of these cases. GMO filed its steam rate case (Case No. HR-2009-0092) at the same time because of the anticipated overlapping issues with the GMO electric case.

4. On September 12, 2008, the Commission issued the Hearing Date Orders. Those orders scheduled evidentiary hearings for the three rate cases and provided that “the Staff of the Missouri Public Service Commission, the Office of Public Counsel, all other parties to this case, and any **persons or entities requesting intervention** shall file, on or before October 14, 2008, a pleading either indicating concurrence in the recommended test year and true-up dates, or

recommending alternatives to it.” (emphasis added). In short, the Commission directed any party or person or entity requesting intervention to voice any objections to the April 30, 2009 true-up date in these cases by October 14, 2008. Only Staff commented on the true-up date. It informed the Commission in each of the three cases that it concurred with the April 30, 2009 true-up date.

PROPOSED PROCEDURAL SCHEDULES

5. The parties were unable to agree on proposed procedural schedules primarily due to the uncertainty created by the appeal of a rate case involving The Empire District Electric Company. There, the reviewing courts held (i) that parties must have adequate time to seek rehearing of Commission orders approving tariffs and (ii) that giving parties several **hours** to do so was inadequate.

6. The question in these cases therefore becomes whether an April 30, 2009 true-up date and an August 5, 2009 effective date for rates gives the Commission enough time to deliberate and issue its orders in these cases. The Companies believe that adequate time does exist. The Empire appellate cases were decided on extreme facts, *i.e.*, the parties having “hours” to seek rehearing. There is no reason to believe that those circumstances will reoccur in these cases. The Companies urge the Commission not to adversely impact the rights of the Companies in these cases by altering the true-up date or effective date because the courts’ reaction to the extreme and unlikely to reoccur facts of the Empire case.

7. Because the Companies believe that the dates set forth in the Hearing Date Orders are achievable, **Attachment 1** provides a schedule that uses those dates, as well as an April 30, 2009 true-up date and an August 5, 2009 effective date for the resulting rates.

8. However, in the event the Commission concludes that it needs more time than provided in the Hearing Date Orders, the Companies offer in **Attachment 2** a proposal that they

believe reasonably balances the interests of the Companies, the Commission, and the parties to this case.

9. As a practical matter, the only way to give the Commission more time to deliberate and issue its orders is either to move the true-up date earlier or to make the rates effective later. Although the Companies are optimistic that they can complete the Iatan 1 projects in time to satisfy the requirements of a March 31, 2009 true-up date, they cannot commit to such an accelerated date at this time. The seventy-three day outage to tie in the air quality control equipment and make other significant improvements to Iatan 1 began as scheduled on October 18, 2008. However, it is simply too early in a long and complicated outage to commit to an earlier true-up date. Similarly, the Companies cannot concede at this time that it would be appropriate for the rates to go into effect later than August 5, 2009.

10. In an effort to balance these issues, the Companies propose in **Attachment 2** two alternative schedules that would give the Commission an additional month to deliberate and issue its orders in these cases—if the Commission determined additional time was required. Which schedule is used would be premised upon the Companies' determination by no later than January 20, 2009 whether the Iatan 1 projects will be completed in time to satisfy an accelerated March 31, 2009 true-up date. By no later than January 20, 2009, the Companies would file with the Commission a notification indicating whether they can commit to an accelerated March 31, 2009 true-up date.

11. If the Companies commit to an accelerated March 31, 2009 true-up date, the cases would proceed under the "March 31 True-Up Date" schedule, as provided in **Attachment 2**. The effective date for the new rates would continue to be August 5, 2009. If the Companies' notify the Commission that they need to use the filed April 30, 2009 true-up date, the cases

would proceed under the "April 30 True-Up Date" schedule, and the effective date for the new rates would be delayed until September 5, 2009. Delaying implementation of the new rates will result in a significant cost to the Companies, but it is an accommodation the Companies are willing to make (i) if the Commission determines it needs more time than provided in the Hearing Date Orders and (ii) the Companies cannot satisfy an accelerated March 31, 2009 true-up date.

CONCLUSION

12. The Companies believe that the dates set forth in the Hearing Date Orders are achievable and respectfully request that the Commission issue an order approving the procedural schedule set forth in **Attachment 1**. However, in the event the Commission concludes that it needs more time than provided in the Hearing Date Orders to deliberate and issue its orders in these cases, the Companies propose the adoption of the alternate schedules set forth in **Attachment 2** premised on the Companies' notification by January 20, 2009 whether an accelerated March 31, 2009 true-up date is achievable.

Respectfully submitted,



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Attorneys for Kansas City Power & Light Company

Dated: October 29, 2008

CERTIFICATE OF SERVICE

A copy of the foregoing has been served this 29th day of October 2008 upon counsel of record in the above-captioned proceedings.

A handwritten signature in black ink, appearing to read "C.D. Blanc", written over a horizontal line.

Curtis D. Blanc

Attachment 1:

Based On Hearing Date Orders, April 30, 2009 True-Up, and August 5, 2009 Effective Date

	KCP&L (ER-2009-0089)	GMO Electric (ER-2009-0090)	GMO Steam (ER-2009-0092)
Staff <i>et al.</i> Direct Testimony (revenue requirement)	February 2, 2009	February 17, 2009	March 2, 2009
Staff <i>et al.</i> Direct Testimony (CCOS & rate design)	February 17, 2009	March 2, 2009	March 16, 2009
Local Public Hearings	Week of March 2-6, 2009	Week of March 16-20, 2009	Week of March 30 – April 3, 2009
Settlement Conference	Week of March 2-6, 2009	Week of March 16-20, 2009	Week of March 30 – April 3, 2009
Rebuttal Testimony (revenue requirement)	March 5, 2009	March 19, 2009	April 2, 2009
Rebuttal Testimony (CCOS & rate design)	March 12, 2009	March 26, 2009	April 9, 2009
List of Issues, Order of Witnesses	March 18, 2009	April 1, 2009	April 15, 2009
Surrebuttal/Cross-Surrebuttal Testimony	March 20, 2009	April 3, 2009	April 20, 2009
Statement of Position	March 25, 2009	April 8, 2009	April 22, 2009
Reconciliation	March 27, 2009	April 10, 2009	April 24, 2009
Evidentiary Hearings	March 30 - April 3 and 6 - 10, 2009	April 13 - 17 and 20 - 24, 2009	April 27 - May 1, 2009
End of True-Up Period	April 30, 2009	April 30, 2009	April 30, 2009
Initial Post Hearing Briefs	May 1, 2009	May 15, 2009	May 15, 2009
True-Up Direct Testimony	May 21, 2009	May 22, 2009	May 18, 2009
True-Up Rebuttal Testimony	May 25, 2009	May 26, 2009	May 20, 2009
True-Up Hearings	May 26-27, 2009	May 28-29, 2009	May 21-22, 2009
Reply / True-Up Briefs	June 5, 2009	June 9, 2009	June 11, 2009
Effective Date For New Rates	August 5, 2009	August 5, 2009	August 5, 2009

Attachment 2: March 31 True-Up Date
(August 5, 2009 Effective Date)

	KCP&L (ER-2009-0089)	GMO Electric (ER-2009-0090)	GMO Steam (ER-2009-0092)
Companies Submit True-Up Notification	January 20, 2009	January 20, 2009	January 20, 2009
Staff <i>et al.</i> Direct Testimony (revenue requirement)	February 11, 2009	February 13, 2009	February 13, 2009
Local Public Hearings	Week of February 16-20, 2009	Week of February 16-20, 2009	Week of February 16-20, 2009
Staff <i>et al.</i> Direct Testimony (CCOS & rate design)	February 25, 2009	February 27, 2009	February 27, 2009
Settlement Conference	Week of February 23-27, 2009	Week of February 23-27, 2009	Week of February 23-27, 2009
Rebuttal Testimony (revenue requirement)	March 11, 2009	March 13, 2009	March 13, 2009
Rebuttal Testimony (CCOS & rate design)	March 17, 2009	March 19, 2009	March 19, 2009
End of True-Up Period	March 31, 2009	March 31, 2009	March 31, 2009
Surrebuttal/Cross-Surrebuttal Testimony	April 7, 2009	April 9, 2009	April 9, 2009
List of Issues, Order of Witnesses	April 10, 2009	April 10, 2009	April 10, 2009
Statement of Position	April 15, 2009	April 15, 2009	April 15, 2009
Reconciliation	April 15, 2009	April 15, 2009	April 15, 2009
Evidentiary Hearings	April 20-24 and April 27-May 1, 2009	May 4-8 and 11-15, 2009	May 4-8 and 11-15, 2009
True-Up Direct Testimony	May 22, 2009	May 22, 2009	May 22, 2009
True-Up Rebuttal Testimony	May 27, 2009	May 27, 2009	May 27, 2009
Initial Post Hearing Briefs	May 29, 2008	June 2, 2009	June 2, 2009
True-Up Hearings	June 1-2, 2009	June 1-2, 2009	June 1-2, 2009
Reply / True-Up Briefs	June 9, 2009	June 11, 2009	June 11, 2009
Effective Date For New Rates	August 5, 2009	August 5, 2009	August 5, 2009

**Attachment 2: April 30 True-Up Date
(September 5, 2009 Effective Date)**

	KCP&L (ER-2009-0089)	GMO Electric (ER-2009-0090)	GMO Steam (ER-2009-0092)
Companies Submit True-Up Notification	January 20, 2009	January 20, 2009	January 20, 2009
Staff <i>et al.</i> Direct Testimony (revenue requirement)	February 18, 2009	February 20, 2009	February 20, 2009
Local Public Hearings	Week of February 23-27, 2009	Week of February 23-27, 2009	Week of February 23-27, 2009
Settlement Conference	Week of March 2-6, 2009	Week of March 2-6, 2009	Week of March 2-6, 2009
Staff <i>et al.</i> Direct Testimony (CCOS & rate design)	March 4, 2009	March 6, 2009	March 6, 2009
Rebuttal Testimony (revenue requirement)	March 19, 2009	March 20, 2009	March 20, 2009
Rebuttal Testimony (CCOS & rate design)	March 26, 2009	March 27, 2009	March 27, 2009
Surrebuttal/Cross-Surrebuttal Testimony	April 16, 2009	April 17, 2009	April 17, 2009
List of Issues, Order of Witnesses	April 20, 2009	April 20, 2009	April 20, 2009
Statement of Position	April 22, 2009	April 22, 2009	April 22, 2009
Reconciliation	April 22, 2009	April 22, 2009	April 22, 2009
End of True-Up Period	April 30, 2009	April 30, 2009	April 30, 2009
Evidentiary Hearings	April 27-May 1 and May 4-8, 2009	May 11-15 and 18-22, 2009	May 11-15 and 18-22, 2009
Initial Post Hearing Briefs	June 5, 2009	June 8, 2009	June 8, 2009
True-Up Direct Testimony	June 9, 2009	June 9, 2009	June 9, 2009
True-Up Rebuttal Testimony	June 12, 2009	June 12, 2009	June 12, 2009
True-Up Hearings	June 15-16, 2009	June 15-16, 2009	June 15-16, 2009
Reply / True-Up Briefs	June 23, 2009	June 24, 2009	June 24, 2009
Effective Date For New Rates	September 5, 2009	September 5, 2009	September 5, 2009