

**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) **Case 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) **Case No. ER-2010-0356**
Approval to Make Certain Changes in its)
Charges for Electric Service)

RESPONSE TO ORDER DIRECTING FILING

Robert Wagner provides his response to the Commission’s November 15, 2010 Order. The Commission ordered Mr. Wagner and KCP&L to state whether the October 14, 2010 Motion to Compel Discovery is now moot.

1. On October 14, 2010 Robert Wagner respectfully requested the Commission issue an order to: 1) compel the disclosure of all proprietary information in the above mentioned cases to Robert Wagner; 2) compel the disclosure of all highly confidential information in the above mentioned cases to Robert Wagner; and 3) issue a ruling that a pro se intervener is by definition their own attorney of record and may receive proprietary and highly confidential information when a Non-Disclosure agreement has been filed.

2. On November 9, 2010 Robert Wagner indicated to the Regulatory Law Judges that KCP&L has provided access to the document entitled “Luminaire Classification System for Outdoor Luminaires” at the KCP&L Kansas City office.

3. Upon checking the Missouri Public Service Commission’s EFIS system on November 18, 2010 it appears that Robert Wagner has access to testimony marked as highly

confidential, but has not reviewed these documents due to the lack of a formal ruling allowing such review. It is unclear if this access is intentional or an oversight.

4. Robert Wagner anticipates that KCP&L may oppose and testify against one or all of the four requests identified in the testimony of Robert Wagner. To adequately cross-examine such a witness it would be necessary to request financial and compensation information. This information is likely to be marked proprietary or highly confidential.

5. In light of the fact that the fundamental issue of not being able to: 1) access and review proprietary and highly confidential information; and 2) participate in the evidentiary hearing that may contain proprietary and highly confidential information in order to determine if they related to Robert Wagner's requests, still exist; Robert Wagner cannot consider the issue resolved. However, should KCP&L and the other parties not oppose or testify against Robert Wagner's requests and a settlement is reached prior to the evidentiary hearing, thus rendering Robert Wagner's participation in the evidentiary hearing unnecessary, it is likely that access to proprietary or highly confidential information may not be requested and Robert Wagner's October 14, 2010 Motion to Compel Discovery may be considered moot.

Respectfully submitted,



Robert Wagner
Pro Se Intervener

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 18th day of November 2010.



Peter A. Wagner
