

**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 TO ORDER DIRECTING FILING**

COMES NOW Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (collectively, "KCP&L"), pursuant to the Missouri Public Service Commission's ("Commission") *Order Directing Filing* ("Order") issued November 15, 2010, and for its Response to Order Directing Filing, respectfully states as follows:

1. In its Order, the Commission notes that "[o]n November 9, 2010, the Regulatory Law Judges assigned to these cases received e-mail indicating that Mr. Wagner has seen the document referred to in his motion." (Order, page 1). As a result, the Commission orders Mr. Wagner and KCP&L to state whether Mr. Wagner's motion to compel discovery is now moot.

2. As reflected in its Response in Opposition To Motion To Compel Discovery filed in this matter on October 25, 2010 ("October 25<sup>th</sup> Response"), KCP&L submits the only discovery at issue in Mr. Wagner's motion to compel that was in compliance with the prerequisites of 4 CSR 240-2.090 was in regards to Interrogatory

Question Number 6 – and Mr. Wagner now acknowledges that he “has seen the document referred to in his motion.” Accordingly, Mr. Wagner’s motion to compel discovery is now moot and should be dismissed.

3. To the extent Mr. Wagner continues to suggest that the broader relief requested in his motion to compel may still be at issue, KCP&L objects to the granting of such relief for all of the reasons set forth in its October 25<sup>th</sup> Response, which is incorporated herein by reference.

4. In his Response to Order Directing Filing submitted on November 18, 2010, Mr. Wagner states:

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.

KCP&L assumes that such access is an oversight that should be corrected immediately by the Commission, as such access would be in direct contravention of Commission Rules 4 CSR 240-2.135 and 240-2.040.

WHEREFORE, for the above-stated reasons, KCP&L respectfully requests that the Commission deny Intervenor Robert Wagner's Motion to Compel Discovery as moot, and for such other and further relief as may be appropriate in the circumstances.

Respectfully submitted,

**/s/ James M. Fischer**

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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 19<sup>th</sup> day of November, 2010, to all parties of record.

**/s/ James M. Fischer**  
James M. Fischer