

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

**BRIARCLIFF DEVELOPMENT COMPANY, )**  
**a Missouri Corporation )**

**COMPLAINANT )**

**v. )**

**KANSAS CITY POWER & LIGHT )**  
**COMPANY )**

**RESPONDENT )**

**CASE NO. EC-2011-0383**

**MOTION FOR CONTINUANCE OF EVIDENTIARY HEARING AND REMAINDER  
OF PROCEDURAL SCHEDULE AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW, Complainant and respectfully states as follows:

1. Complainant has been advised by its witness, Nathaniel Hagedorn, that after Counsel sent him a reminder that the Evidentiary Hearing in this matter was set for November 10th, that despite earlier notifications the date did not get on his calendar and as a result he had scheduled an all day board meeting/planning meeting with his board of directors on that day and because the meeting would be extremely difficult to reschedule, he asked if it would be possible to seek an order rescheduling the evidentiary hearing.

2. Complainant's Counsel then contacted the other parties by e-mail to see if there were any objections to rescheduling the one-day hearing for another date in the near future and supplied them with some dates in the last two weeks of November and first two weeks in December that both Mr. Hagedorn and Complainant's Counsel would be available for a rescheduled hearing.

3. The other parties, Staff and KCPL, advised that they had no objection to the rescheduling of the hearing, however, it appears that after exchanging e-mails between the parties that none of the dates suggested would meet all their schedules or else the dates were not available on the Commission's calendar. It was suggested that it may be necessary to postpone the hearing until sometime after the Christmas holidays. Earlier today Counsel for KCPL suggested that we attempt to contact our witnesses about their availability in January and recommend a specific date for the hearing, however, after Staff and Complainant had done so and obtained some specific dates that were available, Counsel for KCPL later learned that his witnesses were not in the office today and, consequently, he could not ascertain their January schedules. In order to get this motion on file and acted on as soon as possible, he recommended that I go ahead and file it now and follow-up next week with a pleading that suggests a time and date for the hearing. Staff was agreeable with that as was Complainant.

4. In addition, Counsel for KCPL also suggested that it might make sense to seek to reschedule the Joint Stipulation of Non-Disputed Material Facts now set for Monday November 7, 2011, on which date the filing of Position Statements is also scheduled. Staff had no objection to rescheduling the Joint Stipulation of Non-Disputed Material Facts and neither does Complainant since it may take a few days for the parties to reach agreement on the facts.

5. That also in addition to the above-mentioned scheduled activities that the parties have agreed may be rescheduled, there are certain activities set for November 14th (Expedited Transcript); December 5th (Simultaneous Post-Hearing Briefs); and December 7th (Proposed Findings of Fact and Conclusions of Law that of necessity would need to be rescheduled if the

evidentiary hearing is rescheduled due to their dependence on the Evidentiary Hearing having been held before they could occur.

6. That Complainant is also asking for expedited treatment of this motion by no later than November 7th and preferably November 4th. There will be no negative effect on KCPL's customers or general public if the Commission acts by the date desired by the parties. That this pleading was filed as soon as it could have been under the circumstances.

WHEREFORE, Complainant, on behalf of the parties, respectfully requests that the Commission grant this motion on an expedited basis by November 4th or no later than November 7th, and suspend the evidentiary hearing now scheduled for November 10, 2011 until a date to be determined after the parties have advised the Commission that they have found agreeable dates that do not conflict with their schedules and which are open dates on the Commission's calendar. In addition, if the Commission suspends the evidentiary hearing, Complainant, on behalf of the parties, respectfully requests that the Commission reschedule the Joint Stipulation of Non-Disputed Material Facts and Position Statements now scheduled for Monday November 7th until November 14th and also reschedule the dates for the Expedited Transcript (November 14th); Simultaneous Post-Hearing Briefs (December 5th) and Proposed Findings of Fact and Conclusions of Law (December 7th) to a date to be fixed at the time that the rescheduled evidentiary hearing is set.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.,

By: 

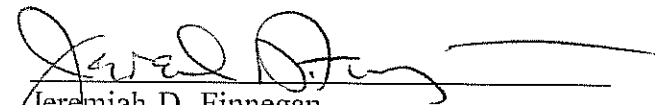
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ATTORNEYS FOR BRIARCLIFF  
DEVELOPMENT COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 4th day of November, 2011.

  
Jeremiah D. Finnegan