

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of a Proposed Experimental)	
Regulatory Plan of)	Case No. EO-2005-0329
Kansas City Power and Light Company)	

**SIERRA CLUB AND CONCERNED CITIZENS OF
PLATTE COUNTY’S MOTION TO CHANGE THE DESIGNATION OF THE
OPINION OF COMMISSIONER GAW CONCURRING IN PART AND
DISSENTING IN PART FROM HIGHLY CONFIDENTIAL TO PUBLIC**

Come now Sierra Club (“SC”) and Concerned Citizens of Platte County (“CCPC”) and file a motion requesting the Commission to change the designation of the opinion of Commissioner Steve Gaw Concurring in Part and Dissenting in Part from Highly Confidential to Public. In support of their motion, SC and CCPC state the following:

1. The Commission issued its Report and Order (“Order”) on July 28, 2005, with an effective date of August 7, 2005.
2. Commissioner Gaw filed an “Opinion of Commissioner Steve Gaw Concurring in Part and Dissenting in Part” on August 19, 2005. This was labeled document 194 by the PSC on its docket sheet.
3. When one clicks on that item number, the left side of the screen lists the title of the document filed and says that it is “highly confidential.”
4. The document contains no warning words across the top or within it giving it that designation.
5. The Protective Order first issued in this case stated that highly confidential information is: “Information concerning (1) material or documents that contain information relating directly to specific customers; (2) employee-sensitive information;

(3) marketing analyses or other market-specific information relating to services offered in competition with others; (4) reports, work papers or other documentation related to work produced by internal or external auditors or consultants; (5) strategies employed, to be employed, or under consideration in contract negotiations.”

6. Commissioner Gaw’s opinion does not contain this type of information. Indeed, his opinion discusses testimony produced at the public evidentiary hearing and testimony given at the public hearing.

7. The Order of the Commission was designated “public.”

8. It would serve the public interest for Commissioner Gaw’s Opinion to be designated “public” instead of “highly confidential.”

WHEREFORE, for the foregoing reasons, SC and CCPC respectfully request the Commission to change the designation of Commissioner Gaw’s concurrence and dissent from highly confidential to public.

/s/Kathleen G. Henry

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were sent by email on this 20th day of August, 2005, to the parties listed currently on the Service List for this case according to the Public Service Commission web site's service list.

/s/Kathleen G. Henry
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