BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)	Case No. EO-2004-0590
Kansas City Power & Light Company	,	Cuse Ivo. 20 200
for Approval to Amend the Nuclear)	
Decommissioning Trust Agreement)	

RESPONSE OF KANSAS CITY POWER & LIGHT COMPANY TO STAFF RECOMMENDATION

COMES NOW Kansas City Power & Light Company ("KCPL"), and pursuant to the ORDER DIRECTING FILING, dated September 3, 2004, files its response to STAFF RECOMMENDATION, dated August 12, 2004.

- 1. KCPL agrees with Staff's Recommendation that it is critical that sufficient funds be available to ensure the proper decommissioning of KCPL's nuclear generating facility.
- 2. On July 20, 2004, KCPL responded to data requests in this matter, attached, requested by Staff.
- 3. In response to data request 1-1(b) which asked if there is a dollar limit and type of administrative expenditures that would not have either Nuclear Regulatory Commission ("NRC") or Missouri Public Service Commission ("Commission") approval. KCPL responded:

No dollar limit is contained within 10 CFR 50.82(a)(8) or 10 CFR 50.75(h)(1)(iv) and none is proposed by KCPL. The type of ordinary administrative costs and other incidental expenses includes taxes, legal, accounting, actuarial and trustee expenses.

4. In response to data request 3-1(a) which asked if it its appropriate to place a dollar limit and type of expenditure that KCPL could make without NRC and Commission approval. KCPL responded:

No. The trust agreement defines the types of expenditures to include all fees, expenses, and taxes that may be paid from the trust. This trust agreement was previously filed with

the Commission. In addition, KCPL currently submits a quarterly decommissioning trust fund report pursuant to 4 CSR 240-20.070(5) and Case No. EO-2000-210.

5. In response to data request 3-2 which asked would KCPL be agreeable to provide notification to the Commission prior to any expenditures being made by the trust fund. KCPL responded:

The NRC does not require such notification within 10 CFR 50.82(a)(8) or 10 CFR 50.75(h)(1)(iv). KCPL has not provided such notification in the past and does not see it necessary or beneficial to do so in the future because KCPL currently submits a quarterly decommissioning trust fund report pursuant to 4 CSR 240-20.070(5) and Case No. EO-2000-210.

6. In response to data request 3-3 which asked would KCPL agree to provide the Commission quarterly reporting of the actual and expected expenditures. KCPL responded:

The NRC does not require such reporting within 10 CFR 50.82(a)(8) or 10 CFR 50.75(h)(1)(iv). KCPL has not provided such reporting in the past and does not see it necessary or beneficial to do so in the future because KCPL currently submits a quarterly decommissioning trust fund report pursuant to 4 CSR 240-20.070(5) and Case No. EO-2000-210 that incorporates the actual expenditures. In addition, the expected expenditures and types would be difficult to accurately project because of the fluctuation of the amount of fees, expenses, and taxes on an annual basis.

- 7. KCPL believes it will be difficult to predict when trust expenditures in excess of \$2.5 million annually, as recommended by Staff, will occur. The predominant expense incurred over the last several years, as shown on data request 1, is the taxes associated with the fund. These expenditures fluctuate in the trust and are the result of variability of coupon income and realized capital gains the portfolio has experienced over the years. Requiring reporting and prior authorization from the Commission of trust expenditures in excess of this amount creates an unnecessary burden and administrative expense on KCPL.
- 8. KCPL believes that the notification and approval by the Commission for any year in which the annual expenditures is expected to exceed \$2.5 million is unnecessary and difficult to predict. However, should the Commission order such notification and approval, KCPL will

make every effort to comply, but would note that KCPL's ability to accurately predict these expenses is limited. Should KCPL fail to correctly anticipate these expenses and they prove to exceed \$2.5 million, KCPL will be required to seek approval to pay these expenses that in reality it has no choice but to pay.

9. KCPL agrees to continue to submit quarterly decommissioning trust fund reports pursuant to 4 CSR 240-20.070(5) and Case No. EO-2000-210 in the same format as it has in the past.

WHEREFORE, Kansas City Power & Light Company respectfully requests that the Commission consider its response, and thanks the Commission for the opportunity to present its views.

Respectfully Submitted,

By:

Paul M. Ling, MO Bar #53526

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Kansas City, MO 64106-2124

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(816) 556-2899

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ATTORNEY FOR KANSAS CITY POWER & LIGHT COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent via first class mail, postage prepaid on this 10th day of September, 2004, to the following:

Dana K. Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
200 Madison St., Suite 800
Jefferson City, MO 65102

John B. Coffman P.O. Box 7800 200 Madison St., Suite 640 Jefferson City, MO 65102

By:

Paul M. Ling

ATTORNEY FOR KANSAS CITY POWER & LIGHT COMPANY

Missouri Public Service Commission

Data Request

Data Request No.

0001

Company Name

Kansas City Power & Light Company-Investor(Electric)

Case/Tracking No.

EO-2004-0590

Date Requested

07/12/2004

Issue

Other - Other

Requested From

Tim Rush

Requested By

Cary Featherstone

Brief Description

Identify dollar limits and expenditures for the trust fund

Description

With respect to KCPL's application to change the language in trust fund in this case, please provide the following:

1a. types of administrative expenditures and the expected annual dollar amounts that the Company anticipates needing to make with respect to Wolf Creek's trust fund that is being proposed to in the changes to the trust fund reporting with the NRC and Missouri Commission.

Previous year's distributions would likely be representative of future years.

2000 Disbursements

Trustee Fees \$24,126.98

Investment Management Fees \$66,469.36

Administrative Expenses \$1,723.66

Tax Expenses \$320,428.32

Miscellaneous Disbursements \$16,202.41

2001 Disbursements

Trustee Fees \$24,106.45

Investment Management Fees \$72,645.06

Administrative Expenses \$(1,161.69)

Tax Expenses \$644,083.04

2002 Disbursements

Trustee Fees \$24,073.45

Investment Management Fees \$90,072.28

Administrative Expenses \$1,787.54

Tax Expenses \$314,427.27

2003 Disbursements
Trustee Fees \$24,865.49
Investment Management Fees \$95,740.10
Other Service Fees \$264,889.73
Administrative Expenses \$26,331.98
Tax Expenses \$682,779.63

See attached 2000-2003 The Bank of New York YTD KCP&L Wolf Creek Decommissioning Trust reports.

b. Is there a dollar limit and type of administrative expenditure that the Company is proposing to remove funds from the Wolf Creek De-commissioning trust fund that would not have to have either NRC and/or Missouri Commission approval? Please identify such dollar limits and types of expenditures.

No dollar limit is contained within 10 CFR 50.82(a)(8) or 10 CFR 50.75(h)(1)(iv) and none is proposed by KCPL. The type of ordinary administrative costs and other incidental expenses includes taxes, legal, accounting, actuarial and trustee expenses.

2. actual types of administrative expenditures and actual annual expenditures and that have been made in the past from the trust fund for the period 2000 to most current available.

2000 Disbursements

Trustee Fees \$24,126.98
Investment Management Fees \$66,469.36
Administrative Expenses \$1,723.66
Tax Expenses \$320,428.32
Miscellaneous Disbursements \$16,202.41

2001 Disbursements

Trustee Fees \$24,106.45 Investment Management Fees \$72,645.06 Administrative Expenses \$(1,161.69) Tax Expenses \$644,083.04

2002 Disbursements

Trustee Fees \$24,073.45 Investment Management Fees \$90,072.28 Administrative Expenses \$1,787.54 Tax Expenses \$314,427.27

2003 Disbursements
Trustee Fees \$24,865.49
Investment Management Fees \$95,740.10
Other Service Fees \$264,889.73
Administrative Expenses \$26,331.98
Tax Expenses \$682,779.63

See attached 2000-2003 The Bank of New York YTD KCP&L Wolf Creek Decommissioning Trust reports.

Due Date 08/01/2004

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. EO-2004-0590 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the Kansas City Power & Light Company-Investor(Electric) office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to Kansas City Power & Light Company-Investor(Electric) and its employees, contractors, agents or others employed by or acting in its behalf.

Security Public Rationale NA

Missouri Public Service Commission

Data Request

Data Request No.

0002

Company Name

Kansas City Power & Light Company-Investor(Electric)

Case/Tracking No.

EO-2004-0590

Date Requested

07/12/2004

Issue

Other - Other

Requested From

Tim Rush

Requested By

Cary Featherstone

Brief Description

reasons for the proposed changes

Description

With respect to KCPL's application to change the language in trust fund in this case, please provide the following: Please provide the reasons and rationale on why the proposed language changes need to be made identified in this application.

KCPL seeks to amend its nuclear decommissioning trust agreement to be consistent with the rule promulgated by Nuclear Regulatory Commission (NRC). This rule (10 CFR 50.75(h)(1)(iv)) provides for ordinary administrative costs of operating the decommission fund to be disbursed without prior notification to the NRC.

Due Date

08/01/2004

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Security
Rationale

Public

NA

Missouri Public Service Commission

Data Request

Data Request No.

0003

Company Name

Kansas City Power & Light Company-Investor(Electric)

Case/Tracking No.

EO-2004-0590

Date Requested

07/12/2004

Issue

Other - Other

Requested From

Tim Rush

Requested By

Cary Featherstone

Brief Description

NA

Description

With respect to KCPL's application to change the language in trust fund in this case,

1a). would it be appropriate to place a dollar limit and type of expenditures that the Company could make without Missouri Commission (or NRC) approval?

No

b). If not, please explain why such limitation should not be imposed.

The trust agreement defines the types of expenditures to include all fees, expenses, and taxes that may be paid from the trust. This trust agreement was previously filed with the Commission. In addition, KCPL currently submits a quarterly decommissioning trust fund report pursuant to 4 CSR 240-20.070(5) and Case No. EO-2000-210.

c). If so, identify what type of expenditures and dollar limit(s) that the Company should be permited to remove from the trust fund without prior Missouri Commission (or NRC) approval?

No dollar limit is contained within 10 CFR 50.82(a)(8) or 10 CFR 50.75(h)(1)(iv) and none is proposed by KCPL.

2. Would the Company be agreeable to provide notification to the Missouri Commission prior to any expentiures being made by the trust fund? If not, why?

The NRC does not require such notification within 10 CFR 50.82(a)(8) or 10 CFR 50.75(h)(1)(iv). KCPL has not provided such notification in the past and does not see it necessary or beneficial to do so in the future because KCPL currently submits a quarterly decommissioning trust fund report pursuant to 4 CSR 240-20.070(5) and Case No. EO-2000-210.

3. Would the Company be agreeable to provide the Commission Staff quarterly reporting of the acutal and expected expenditures and type of expenditures that is made from the de-commissioning trust fund? If not, why?

The NRC does not require such reporting within 10 CFR 50.82(a)(8) or 10 CFR 50.75(h)(1)(iv). KCPL has not provided such reporting in the past and does not see it necessary or beneficial to do so in the future because KCPL currently submits a quarterly decommissioning trust fund report pursuant to 4 CSR 240-20.070(5) and Case No. EO-2000-210 that incorporates the actual expenditures. In addition, the expected expenditures and types would be difficult to accurately project because of the fluctuation of the amount of fees, expenses, and taxes on an annual basis.

Due Date

08/01/2004

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. EO-2004-0590 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for

other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to Kansas City Power & Light Company-Investor(Electric) and its employees, contractors, agents or others employed by or acting in its behalf.

Security

Public

Rationale

NA

KCP&L WOLF CREEK DECOMMISSIONING TRUST KCP&L WOLF CREEK DECOMMISSION TRUST BOD THE DEPAID 12/01/03 TO 12/31/03
KCP&L WOLF

PLANS BY FUNDS

THE BANK OF NEW YORK

KCP&L WOLF CREEK MISSOURI

CURRENT	49,793,931.82 43,495,698.75 47,388,549.15 42,162,959.99	2,303,856.00 0.00 2,303,856.00	24,865.49- 95,740.10- 264,889.73 23,861.97- 682,779.63- 0.00 562,357.46-	57,722.21 472,053.67	3,682.8	36,513.01 393,389.99 3,114.10 16,550.26	0.4	168,280.53 2,212,905.28 305,955.84 3,792,516.47	470.0	305,955.84 5,531,545.00	47,694,504.99 47,694,504.99	2,405,382.67 1,332,738.76 1,299,157.57 2,371,801.48 3,704,540.24 3,704,540.24	51,399,045.23 51,399,045.23
	BEGINNING MARKET BEGINNING COST	NON-ALLOCATED RECEIPTS CONTRIBUTIONS EMPLOYER TOTAL NON-ALLOCATED RECEIPTS	NON-ALLOCATED DISBURSEMENTS TRUSTEES FEES INVESTMENT MANAGEMENT FEES OTHER SERVICE FEES ADMINISTRATIVE EXPENSES TAX EXPENSE TOTAL NON-ALLOCATED DISBURSEMENTS	ALLOCATED EARNINGS EQUITIES COUNTIES	FIXED INCOME INVESTMENTS	STATE AND LOCAL OBLIGATIONS GOVERNMENT BONDS OFFICE BONDS	SHORT TERM INVESTMENTS MASTER NTS, POOLED & MUTUAL FUNDS	CTHER SHORT TERM INVESTMENTS REALIZED GAIN/(LOSS) ON SALE OF ASSETS TOTAL ALLOCATED EARNINGS	ALLOCATED EXPENSES INVESTMENT MANAGEMENT FEES ADMINISTRATIVE EXPENSES TOTAL ALLOCATED EXPENSES	NET INCREASE/DECREASE	ENDING COST VALUE	UNREALIZED APPRECIATION/DEPRECIATION BEGINNING OF PERIOD CURRENT PERIOD FWD OF PERIOD	ENDING MARKET VALUE

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PLANS BY FUNDS

THE BANK OF NEW YORK

KCP&L WOLF CREEK MISSOURI

	CURRENT	YTD
BEGINNING MARKET BEGINNING COST	43,730,984.56 42,180,788.79	42,501,585.27 39,796,906.55
NON-ALLOCATED RECEIPTS CONTRIBUTIONS EMPLOYER TOTAL NON-ALLOCATED RECEIPTS	00.0	2,303,856.00 2,303,856.00
NON-ALLOCATED DISBURSEMENTS TRUSTEES FEES INVESTIES FAES	6,015.78-	24,073.28- 44,276.50- 314,427.27-
TAX EXPENSE TOTAL NON-ALLOCATED DISBURSEMENTS	6,015.78-	82,777.05
ALLOCATED EARNINGS EQUITIES COMMON STOCKS	41,857.87	373,767.13
FIXED INCOME INVESTMENTS CORPORATE BONDS STATE AND LOCAL OBLIGATIONS GOVERNMENT BONDS	30,951.34 52,352.47 32,592.98	381,558.65 709,841.58 362,921.59
SHORT TERM INVESTMENTS MASTER NTS, POOLED & MUTUAL FUNDS REALIZED GAIN/(LOSS) ON SALE OF ASSETS TOTAL ALLOCATED EARNINGS	131.00 169,698.68- 11,813.02-	5,004.64 1,340,535.78- 492,557.81
ALLOCATED EXPENSES INVESTMENT MANAGEMENT FEES ADMINISTRATIVE EXPENSES TOTAL ALLOCATED EXPENSES	0.00	45,795.78- 1,787.54- 47,583.32-
NET INCREASE/DECREASE	17,828.80-	2,366,053.44
ENDING COST VALUE	42,162,959.99	42,162,959.99
UNREALIZED APPRECIATION/DEPRECIATION BEGINNING OF PERIOD CURRENT PERIOD END OF PERIOD	1,550,195.77 217,457.01- 1,332,738.76	
ENDING MARKET VALUE	43,495,698.75	43,495,698.75

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THE BANK OF NEW YORK

PLANS BY FUNDS

KCP&L WOLF CREEK MISSOURI

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BEGINNING MARKET BEGINNING COST	42,430,786.76 39,742,964.03	40,260,112.40 35,621,672.05
NON-ALLOCATED RECEIPTS CONTRIBUTIONS EMPLOYER TOTAL NON-ALLOCATED RECEIPTS	00.0	2,303,856.00 2,303,856.00
NON-ALLOCATED DISBURSEMENTS TRUSTEES FEES INVESTMENT MANAGEMENT FEES ADMINISTRATIVE EXPENSES TAX EXPENSE TOTAL NON-ALLOCATED DISBURSEMENTS	6,881.03- 6,881.03-	24,106.45- 36,274.89- 1,161.69 644,083.04- 703,302.69-
ALLOCATED EARNINGS EQUITIES	38,292.91	303,792.31
COMMON STOCKS FIXED INCOME INVESTMENTS CORPORATE BONDS STATE AND LOCAL OBLIGATIONS	28,871.54 61,020.57 6,552.94-	442,794.82 794,303.66 253,874.02
GOVERNMENT BONDS SHORT TERM INVESTMENTS ARMINIS	642.11	16.0
S AS	61,450.64- 60,823.55	784,212.93 2,611,051.36
ALLOCATED EXPENSES TRUSTEES FEES INVESTMENT MANAGEMENT FEES ADMINISTRATIVE EXPENSES		36,370.17-
STATE & LOCAL TAXES PAID TAX EXPENSE	00.0	36,370.17-
TOTAL ALLOCATED EXPENSES	53,942.52	4,175,234.50
NET INCREASE/DECREASE	39,796,906.55	39,796,906.55
ENDING COST VALUE		
UNREALIZED APPRECIATION/DEPRECIATION BEGINNING OF PERIOD CURENT PERIOD FUND OF PERIOD	L. 0. L.	,638,440.3 ,933,761.6 ,704,678.7
ENDING MARKET VALUE	42,501,585.27	42,501,585.27

01/23/2001

THE BANK OF NEW YORK

PLANS BY PURDS

KCPAL WOLF CREEK INCONSTRUCTURE TRUST KCPAL WOLF CREEK INCONSTRUCTURE YROST FOR THE PERIOD 12/01/00 TO 12/31/00

IDENTALIZED APPRECIATION/DEPRECIATION ENGINEERS OF FERIOD COURT PERIOD END OF PERIOD

KINING BORNET VALUE

TAX EXPERSE DISOURDERATE TENTEMENTS - A STANCATED EXPERSES

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ALLOCATED ELPHRES ENGSTEEN FEEN ENVENTEER HANAGERIN FEEN AMERICATION EXPERSES

770 35,728,706.23 30,416,514.14	2,303,856.00 8,166.46 157,024.41 2,469,046.87	6,026.51- 316,981.00- 323,009.51-	232,329.58 457,987.06 925,874.64 86,815.72	37,022.30 1,425,032.39 3,165,061.77	18, 198, 47- 65, 469, 36- 8, 723, 66- 3, 447, 32-	16,202,41- 105,941,22-	35,621,672.05	5,312,192.09 673,751,74- 4,638,440.35 40,260,112.40
ECPPL WOLF CREEK SIBBOTH CURRENT 39,113,711.87 35,560,345.38	3,550.28	159,841.00- 159,841.00-	11,872.85 42,516.71 79,170.88 16,595.71	2,443.27 64,817.97 217,617.39		00.0	New 61,326.67	3,573,366.49 1,665,073.86 1,659,440.35 MK+ Cost 40,260,112.40

MILOCATED EARTINGS

RECOTTERS
CORNELS STOCKS
CORPORATE SCHOOL

FIXED INCIDENT INVESTMENTS
CONTRIBUTED COLLA COLLIGRATIONS
CONTRIBUTED SCHOOL

SECRET AREA INVESTMENTS
OFFICE SECRET INVESTMENTS
STALLING CARE (LASS) OF SALE OF AS

A MACCATED DESERVABLEMENTS
AND STREET
TAX REVELLS
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DESTRUCTORS - A COURS RECEIPTS - B COURS RECEIPTS - B COURS RECEIPTS - B TOTAL HOS-ALLOCATED RECEIPTS

BONE-ALLOCATED RECEIPTS

CONTRIBUTION

RESIDENCE SOUTH