

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

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

**KANSAS CITY POWER & LIGHT COMPANY'S SUGGESTIONS IN
OPPOSITION TO APPLICATION TO INTERVENE
FILED BY W. BILL DIAS**

Comes now Kansas City Power & Light Company ("KCPL"), pursuant to 4 CSR 240-2.080, by and through its undersigned counsel, and respectfully requests that the Missouri Public Service Commission ("Commission") deny the Motion For Leave To File Application To Intervene Out Of Time Of W. Bill Dias, Natural Person, And W. Bill Dias D/B/A 1.PAYSTATION.COM filed on August 1, 2006. In support of its Suggestions In Opposition, KCPL respectfully states:

1. On August 1, 2006, W. Bill Dais filed a pleading entitled "Motion For Leave To File Application To Intervene Out Of Time Of W. Bill Dias, Natural Person, And W. Bill Dias D/B/A 1.PAYSTATION.COM" ("Motion") in this proceeding.

2. The Commission should deny the Motion since it is untimely and this case is no longer pending before the Commission. As the Commission knows, on July 28, 2005, the Commission issued its Report And Order in this proceeding which became effective on August 7, 2005. On August 23, 2005, the Commission issued its Order Denying Motion For Rehearing which denied the Sierra Club ("SC") and Concerned Citizens of Platte County's ("CCPCC") motion for rehearing. On August 24, 2005, the Commission issued its Notice Closing Case. Subsequently, SC and CCPC filed a writ of review proceeding with the Circuit Court of Cole County. On March 13, 2006, Judge

Thomas J. Brown III issued the Court's Findings of Fact, Conclusions of Law and Judgment in Case No. 0-5AC-CC00917 which affirmed the Commission's decision in Case No. EO-2005-0329 in all respects. This case is now pending on appeal before the Missouri Court of Appeals, Western District, in *State ex rel. Sierra Club, et al. v. Public Service Commission, et al.*, Case No. WD66893.

3. The Commission does not presently have jurisdiction over this matter since it is pending on appeal before the Missouri Court of Appeals, Western District. *See State ex rel. Campbell Iron Co. v. Public Service Commission*, 296 S.W. 998 (Mo. 1927). Since this case is no longer pending before the Commission, the Commission should deny Mr. Dias's Motion to intervene as untimely.

WHEREFORE, Kansas City Power & Light Company respectfully requests that the Commission deny the Motion filed by Mr. Dias in this proceeding.

Respectfully submitted,

/s/ James M. Fischer

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been hand-delivered, emailed or mailed, First Class mail, postage prepaid, this 2nd day of August, 2006, to Counsel of Record in this proceeding, and to Mr. W. Bill Dias, 8358 Drury Circle, Kansas City, Missouri 64132, and email: wbilldias@kc.rr.com, and wbilldias@hotmail.com.

/s/ James M. Fischer

James M. Fischer