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November 1, 1999

FILED

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Missouri Public  
Service Commission

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 3660  
Jefferson City, Missouri 65102

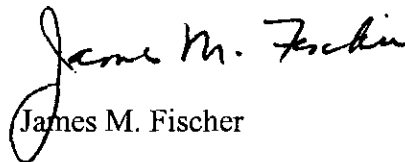
RE: Proposed Rule 4 CSR 240-2.080(16) Governing Pleadings, Filing, and Service  
Case No. AX-2000-116

Dear Mr. Roberts:

Enclosed, for filing in the above-referenced matter, are the original and fourteen (14) copies of the Comments of Kansas City Power & Light Company in Opposition to Proposed Rule 4 CSR 240-2.080(16). A copy of the foregoing document has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,

  
James M. Fischer

/jr  
Enclosures

cc: Office of the Public Counsel  
Dana Joyce

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

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Missouri Public  
Service Commission

In the Matter of Proposed Rule  
4 CSR 240-2.080(16) Governing  
Pleadings, Filing, and Service

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Case No. AX-2000-116

Comments of Kansas City Power & Light Company  
In Opposition to Proposed Rule 4 CSR 240-2.080(16)

**COMES NOW** Kansas City Power & Light Company ("KCPL"), by and through counsel, and submits the following comments in opposition to proposed rule 4 CSR 240-2.080(16) governing Pleadings, Filing, and Service.

1. The counterpart to proposed rule 4 CSR 240-2.080(16) presently provides that, "Parties shall be allowed ten (10) days from the date of filing in which to respond to any motion or other pleading unless otherwise ordered by the commission." 4 CSR 240-2.080(12).

2. Proposed rule 4 CSR 240-2.080(16) (hereinafter referred to as "the proposed rule") shortens from ten days to seven days, the time in which a party may file a response to any pleading. Proposed rule 4 CSR 240-2.080(16) states that, "Parties shall be allowed seven (7) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission." 4 CSR 240-2.080(16).


3. A seven-day response time to pleadings is too short and would be onerous in many situations, particularly since the regulations do not allow additional time to respond to a pleading when service has been made by mail. For example, if a pleading is filed on a Friday and service on a party is made by mail, the party served would not receive the pleading until at least Monday. Under such a scenario, the party served

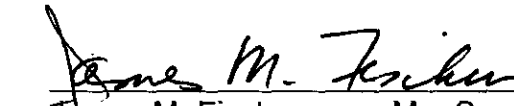
would have four days, or until Thursday in which to prepare and file the responsive pleading by overnight mail. The shortened response time would also be difficult to accommodate if the party must also file responses to other pleadings during this timeframe, or is out of town on the day of its receipt.

4. For these reasons, KCPL respectfully requests that the Commission maintain in the regulations the ten-day response time to pleadings and elect not to adopt proposed rule 4 CSR 240-2.080(16).

**WHEREFORE**, for the foregoing reasons, Kansas City Power & Light Company prays that the Commission maintain in the regulations the ten-day response time to pleadings contained in 4 CSR 240-2.080(12), and elect not to adopt proposed rule 4 CSR 240-2.080(16), and for such other and further relief as is just and proper.

Respectfully submitted,

  
Deborah R. Swank      Mo. Sup. Ct. 40762  
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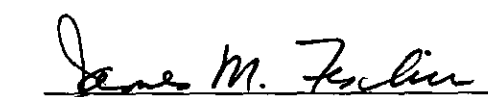
**ATTORNEYS FOR KANSAS CITY POWER &  
LIGHT COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was hand-delivered to the following on this 15<sup>th</sup> day of November, 1999:

Dana K. Joyce  
General Counsel  
Missouri Public Service Commission  
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Jefferson City, Missouri 65101

Office of the Public Counsel  
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Jefferson City, Missouri 65102-0250

  
Attorneys for Kansas City Power & Light  
Company