

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of KCP&L Greater Missouri Operations)
Company for Authority to Implement Rate Adjustments)
Required by 4 CSR 240-20.090(4) and the Company's) File No. EO-2008-0216
Approved Fuel and Purchased Power Cost Recovery)
Mechanism.)

ORDER GRANTING LEAVE TO FILE AND DENYING MOTION TO STRIKE

Issue Date: August 10, 2011

Effective Date: August 10, 2011

The Missouri Public Service Commission is granting KCP&L Greater Missouri Operations Company's ("GMO") motion to file proposed findings of fact, and denying GMO's motion to strike.

On June 20, 2011, GMO filed a *Motion to Strike Or, In The Alternative, To File Proposed Findings of Fact* ("motion to strike"). On July 11, 2011, GMO filed a *Motion for Leave to File Proposed Findings of Fact* ("motion for leave")¹ with the *Proposed Findings of Fact of [GMO]* attached. No party filed a response to the motion to strike or the motion for leave ("motions").

In both motions, GMO asks the Commission to let all parties file proposed findings of fact. In the motion to strike, in the alternative, GMO asks the Commission, to strike *Industrial Intervenors Proposed Findings of Fact*.² In support of both motions, GMO notes that proposed findings of fact do not appear in the *Order Adopting Procedural Schedule*.³

It is true that proposed findings of fact do not appear in the *Order Adopting Procedural Schedule*. But the Commission finds them helpful nonetheless if they

¹ Filed on July 11, 2011.

² Filed on June 17, 2011.

³ Issued on January 24, 2011.

propose findings on factual disputes, the resolution of which determine a claim or defense at issue, and include supporting citations to the record. Merely re-packaging procedural history and argument, re-labeled as proposed findings of fact, is not helpful.

Therefore, the Commission will not strike *Industrial Intervenors Proposed Findings of Fact* and will allow all parties to file proposed findings of fact.

THE COMMISSION ORDERS THAT:

1. The *Motion for Leave to File Proposed Findings of Fact*, and the request to file proposed findings of fact in the *Motion to Strike Or, In The Alternative, To File Proposed Findings of Fact* is granted.

2. The remainder of the *Motion to Strike Or, In The Alternative, To File Proposed Findings of Fact* is denied.

3. The *Proposed Findings of Fact* of KCP&L Greater Missouri Operations Company is deemed filed on the effective date of this order.

4. No later than noon, August 16, 2011, any party may file, jointly or separately, proposed findings of fact in the format set forth in the body of this order.

5. This order is effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of August, 2011.