

Exhibit No.:
Issues: *Records Retention*
Witness: Mark P. Barry
Sponsoring Party: Trigen-Kansas City
Energy Corporation
Type of Exhibit: Surrebuttal Testimony
Case No.: HM-2004-0618
Date Testimony Prepared: November 8, 2004

**MISSOURI PUBLIC SERVICE COMMISSION
UTILITY OPERATIONS DIVISION**

**SURREBUTTAL TESTIMONY
OF
MARK P. BARRY**

**TRIGEN-KANSAS CITY ENERGY CORP. and
THERMAL NORTH AMERICA, INC.**

CASE NO. HM-2004-0618

November 2004

Joint Application of)
)
Trigen-Kansas City Energy Corp.)
)
and) Case No. HM-2004-0618
)
Thermal North America, Inc.)
)
For Grant of the Authority Necessary)
for the Transfer of Control and Sale of)
All Stock Currently Owned by)
Trigen Energy Corporation, Inc. to)
Thermal North America, Inc.)

STATE OF _____)
) ss
COUNTY OF _____)

Notary Public

1 following the sale. Further, as discussed by Mr. Schopman in his testimony, Trigen Energy
2 Corporation will transfer its entire inventory of paper and electronic records relating to
3 Trigen Kansas City (and the other DHCS businesses) to Buyer at or prior to closing. Under
4 the PSA, Trigen is also responsible for maintaining copies of the transferred records for a
5 minimum of five years after the closing date, longer for tax and other matters where statutory
6 record retention requirements apply, and must provide access to those records to Buyer upon
7 request. As a practical matter, again as discussed by Mr. Schopman, no employees with
8 knowledge of Trigen Kansas City or of the accounting and administration of the business will
9 remain as Trigen Energy Corporation or Tractebel employees after the sale. The current
10 Trigen/Tractebel employees who have historical knowledge of Trigen Kansas City will be
11 terminated by Trigen upon closing of the sale and are those who are located in Kansas City
12 are expected to become employees of the Buyer, including Buyer's contractors and affiliates.
13 Therefore, since Trigen Energy Corporation will not retain any personnel having familiarity
14 with Trigen Kansas City after the sale, Trigen's intent with respect to future regulatory
15 proceedings will not cause any information to be withheld or unavailable as a result.