

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION

3 TRANSCRIPT OF PROCEEDINGS

4  
5 Prehearing Conference

6  
7 August 19, 2009  
8 Jefferson City, Missouri  
9 Volume 1

10 The Staff of the Missouri )  
11 Public Service Commission, )  
12 )  
13 Petitioner, )  
14 )  
15 vs. )Case No. EC-2009-0430  
16 )  
17 KCP&L GREATER MISSOURI OPERATIONS )  
18 COMPANY AND KANSAS CITY POWER & )  
19 LIGHT COMPANY )  
20 )  
21 Respondent. )

22  
23 MORRIS L. WOODRUFF, Presiding  
24 DEPUTY CHIEF REGULATORY LAW JUDGE  
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## 1 A P P E A R A N C E S

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12 City Power & Light Company:

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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: We'll go on the record. Good  
3 afternoon, everyone. We're here today for a prehearing  
4 conference in Case No. EC-2009-0430, which is Staff's  
5 complaint against KCP&L Greater Missouri Operations  
6 Company and Kansas City Power & Light Company.

7 We'll begin today by taking entries of  
8 appearance, beginning with Staff.

9 MR. THOMPSON: Thank you, your Honor. Kevin A.  
10 Thompson, Chief Staff Counsel for the Staff of the  
11 Missouri Public Service Commission. Also representing the  
12 Staff today are Sarah Kliethermis and Jamie Ott.

13 Our address is Post Office Box 360, Jefferson  
14 City, Missouri, 65102. Thank you.

15 JUDGE WOODRUFF: And for KCP&L?

16 MR. FISCHER: Let the record reflect the  
17 appearance of James M. Fischer, Fischer & Dority, PC, 101  
18 Madison Street, Suite 400, Jefferson City, Missouri,  
19 65101, appearing today on behalf of KCP&L Greater Missouri  
20 Operations Company and Kansas City Power & Light Company.

21 JUDGE WOODRUFF: Okay. And for Public Counsel?

22 MR. MILLS: On behalf of the Office of Public  
23 Counsel and the public, my name is Lewis Mills. My  
24 address is Post Office Box 2230, Jefferson City, Missouri,  
25 65102.

1 JUDGE WOODRUFF: Thank you. I scheduled this  
2 prehearing conference to give you probably the chance to  
3 discuss this a little bit and to come up with a proposed  
4 procedure for the Commission to use to resolve this case.

5 I wanted to ask if -- if there are, in fact,  
6 issues or factual matters in dispute in this case, or can  
7 we do this by Motions for Summary Determination? Anybody  
8 want to chime in on that?

9 MR. FISCHER: Well, from the company's  
10 perspective, we don't see factual issues that need to be  
11 resolved by the Commission based on the complaint that was  
12 filed.

13 Perhaps we did choose the wrong method to  
14 bringing that to the -- the attention of the Commission,  
15 but we think a Motion for Summary Determination may be the  
16 appropriate way to get it resolved, if we have to get it  
17 resolved. We are hoping to have a visit with the parties  
18 about possible resolutions of the case.

19 JUDGE WOODRUFF: I'm all for resolutions other  
20 than hearing. That's great. Mr. Thompson, what's the  
21 status on this?

22 MR. THOMPSON: I agree completely with what  
23 Mr. Fischer said. We think that the case could be  
24 resolved with a Motion for Summary Determination. Of  
25 course, I think it would go a different way than the way

1 he thinks it would go.

2 I think that additional facts could be found  
3 simply to illuminate the harm of the conduct that we've  
4 identified. But I think that the complaint states a prima  
5 fascia case.

6 We are engaged in settlement discussions, your  
7 Honor, and perhaps they will bear fruit.

8 JUDGE WOODRUFF: Mr. Mills?

9 MR. MILLS: I'm more or less watching this case.  
10 I haven't been active in it, and I'm interested in hearing  
11 where the settlement negotiations are this afternoon.

12 JUDGE WOODRUFF: Okay. Very good. Well, I'll  
13 basically leave it to your discussions, then, and,  
14 hopefully, it will bear fruit. If -- if not, I'll ask you  
15 to give me a proposed procedural schedule by a week from  
16 today, which would be August 25th.

17 And that's all I have to do on the record. Is  
18 there anything else anyone wants to bring up while we're  
19 on the record?

20 MR. THOMPSON: No, your Honor.

21 JUDGE WOODRUFF: With that, then, this -- the  
22 on-the-record portion of this proceeding is adjourned.  
23 Thank you all very much.

24 MR. THOMPSON: Thank you, Judge.

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## REPORTER'S CERTIFICATE

STATE OF MISSOURI     )  
                              )ss.  
COUNTY OF OSAGE     )

I, Monnie S. Mealy, Certified Shorthand Reporter,  
Certified Court Reporter #0538, and Registered  
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the State of Missouri, do hereby certify that I was  
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Monnie S. Mealy, CSR, CCR #0539  
Registered Professional Reporter