

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

In the Matter of the Joint Application of                    )  
Great Plains Energy Incorporated, Kansas                    )  
City Power & Light Company, and Aquila,                    )  
Inc. for Approval of the Merger of Aquila,                    )  
Inc. with a Subsidiary of Great Plains Energy                    )  
Incorporated and for Other Related Relief                    )

**Case No. EM-2007-0374**

**MOTION TO DECLASSIFY TRANSCRIPTS**

COMES NOW the Office of the Public Counsel and for its Motion to Declassify  
Transcripts states as follows:

1. Almost all of the sections of the transcripts that the Commission has  
classified as Highly Confidential dealt with material that KCPL presented to ratings  
agencies (Standard and Poor's and Moody's) and their response. There are two other  
types of information that the Commission has classified as Highly Confidential, discussed  
below in paragraphs 4 and 5.

2. Throughout the course of the hearing, Public Counsel pointed out that  
information that would not otherwise be properly considered Highly Confidential does  
not become Highly Confidential simply because it is sent to ratings agencies. And  
responses from ratings agencies are essentially the "property" of KCPL/GPE that  
KCPL/GPE (or the Commission) could certainly make public without repercussion from  
the ratings agencies. Throughout the course of the hearing, the Commission denied Public  
Counsel's motions to declassify. The first time that Public Counsel objected to  
classifying the transcript as Highly Confidential, counsel for KCPL/GPE offered to voir

dire the witness to establish a record as to why the information should be kept secret. The Commission did not even bother with this step; it simply denied Public Counsel's motion with no explanation from the bench or from KCPL/GPE. TR. 1285. Later the bench somewhat wryly noted that Public Counsel's frequent motions to allow public access to the Commission proceedings were "not really slowing us down that much...." TR. 1367.

3. On a number of occasions, counsel for KCPL/GPE admitted that the portions of the hearing classified by the Commission as Highly Confidential may not have actually been Highly Confidential. Counsel for KCPL/GPE stated that upon motion of Public Counsel, and with the opportunity to review the printed transcript, KCPL/GPE might not object to declassification.

4. The second category of material that the Commission has designated as Highly Confidential is information related the recently completed reforecasts of the Iatan projects. While there may have been reason to protect that information before it was publicly released, it has now been released publicly and there is no longer any need to keep it out of the public record in this case.

5. Upon review of the transcript, Public Counsel concludes that only a very limited portion should remain Highly Confidential. The final category of information that the Commission has designated as Highly Confidential is the discussion of Aquila's Crossroads plant in Mississippi. This is the only arguably Highly Confidential information in the entire eight volumes of transcripts that the Commission has – as of now – classified as Highly Confidential. This discussion comprises all 6 pages of Volume

12, and lines 11 through 20 of page 2338 in Volume 18. Nothing else falls within the scope of the Commission's rules on what is considered to be Highly Confidential.

WHEREFORE, Public Counsel respectfully requests that the Commission remove its "Highly Confidential" designation from the transcript in this case except for the portion listed in paragraph 5 herein.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Lewis R. Mills, Jr.**

By:\_\_\_\_\_

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## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 2<sup>nd</sup> day of June 2008.

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