

**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,)	<u>Case No. EM-2007-0374</u>
Inc. for Approval of the Merger of Aquila,)	
Inc. with a Subsidiary of Great Plains Energy)	
Incorporated and for Other Related Relief)	

MOTION FOR RECONSIDERATION

COMES NOW the Office of the Public Counsel and for its Motion for Reconsideration states as follows:

1. On December 5, 2007, AG Processing, Inc., Sedalia Industrial Energy Users' Association, and Praxair, Inc. (collectively, the Industrial Intervenors), filed a Motion for Partial Summary Determination. In essence, that motion raised the question of whether the Commission has authority to approve regulatory amortizations over the objections of other parties, and asserts that it does not. If the Commission agrees, the issues in this case will be significantly narrowed.

2. The Commission initially set a December 11 deadline for responses to this motion because hearings were still proceeding. On December 10, the Commission eliminated any deadline for responses.

3. While the next steps in this case are not clear, at least one plausible chain of events would have the joint applicants in the next few weeks filing a modified merger proposal for Commission approval that requests Commission approval of regulatory amortizations. If the Commission were to grant the Industrial Intervenors' Motion for

Partial Summary Determination motion, it could save the joint applicants another trip back to the drawing board, and save the Commission and the parties the time and resources litigating the merits of an issue the Commission lacks authority to approve.

4. Another plausible scenario would have the joint applicants and the parties negotiating settlement of some or all issues. If the parties know, because of the Commission's ruling on the Motion for Partial Summary Determination, that the Commission does not believe it has authority to approve regulatory amortizations over the objections of other parties, one of the many unknowns in the settlement process will be eliminated. The more closely aligned the parties are in their assessment of litigation risk and possible Commission action, the more productive settlement talks are likely to be.

5. There is almost no downside to ruling on the motion. Whether the case proceeds to settlement talks or back to the hearing room, having the Commission's decision on this issue can only help all the parties. No party asked that the Commission remove the deadline for responses to the Motion for Partial Summary Determination. No doubt the Commission thought it was acting in the best interests of judicial economy by doing so, but judicial economy will be better served by addressing this threshold issue as soon as possible. While there is no longer a need for expedited responses as initially ordered, timely responses and a timely decision would well serve the Commission and the parties.

WHEREFORE Public Counsel respectfully requests that the Commission reconsider its December 10 order removing any deadline for responses to the Motion for

Partial Summary Determination, and upon reconsideration set a deadline of approximately ten days for responses.

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 14th ay of December 2007.

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