

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 24th day  
of June, 2008.

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

**ORDER CHANGING TRANSCRIPT CLASSIFICATIONS**

Issue Date: June 24, 2008

Effective Date: June 24, 2008

On June 2, 2008, the Office of the Public Counsel filed a motion requesting that all portions of the transcript designated as "Highly Confidential" at that time<sup>1</sup> be declassified to "Public" with the exception of Volume 12 and lines 11 through 20 of page 2338 in Volume 18. Great Plains Energy Incorporated and Kansas City Power & Light Company responded to the motion on June 12, 2008.

Great Plains and KCPL agree that most of the volumes should be declassified.

Great Plains and KCPL argue the following exceptions:

**A. Volume 16**

Great Plains and KCPL argue that the questions and answers included in Volume 16 pertain to the fees and terms and conditions of service that they received from Bridge Strategy Group. Great Plains and KCPL allege that because the competitive

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<sup>1</sup> Since the date of the motion, two more volumes of the transcript have been added to the official record with Volume 26 being designated as "Highly Confidential."

industry in which Bridge Strategy operates expects that this information will not be disclosed generally, disclosing this information would harm Great Plains and KCPL's ability to negotiate with other consultants. Great Plains and KCPL have shown that making this information public could cause harm to KCPL, and therefore, the Commission shall deny Public Counsel's request to declassify Volume 16 of the hearing transcript and it shall remain designated "Highly Confidential" under Commission rule 4 CSR 240-2.135(1)(B)6.

**B. Volume 18, page 2331, line 22 through page 2332, line 8**

Great Plains and KCPL argue that page 2331, line 22 through page 2332, line 8 should remain "Highly Confidential" because the preparation of the reports by Ratings Evaluation Service (RES) and Ratings Assessment Service (RAS) were requested by and a fee paid by Great Plains Energy and KCPL. Thus, Great Plains and KCPL argue that even though these are divisions of the credit rating agencies, for the purposes of this particular information, RES and RAS were external consultants. Further, Great Plains and KCPL argued that making the information public could hurt the companies' ability to use such services in the future. The Commission agrees with Great Plains and KCPL and page 2331, line 22 through page 2332, line 8 shall remain designated as "Highly Confidential" under 4 CSR 240-2.135(1)(B)5.

**C. Volume 18, page 2340, lines 12-15**

Great Plains and KCPL wish to keep page 2340, lines 12-15 designated as "Highly Confidential" because it discloses the anticipated in-service date of certain equipment that KCPL has not yet procured. Great Plains and KCPL argue that KCPL's ability to procure the equipment on favorable terms could be compromised by the public disclosure of the information. The Commission finds that the information pertains to

“strategies employed, to be employed, or under consideration in contract negotiations.”<sup>2</sup>

Therefore, that information shall remain designated as “Highly Confidential.”

**D. Volume 18, page 2380, line 19 through page 2381, line 2 and page 2381, lines 17-24**

Great Plains and KCPL explain that while ranges around some of the reforecast figures for latan 2 have been publicly disclosed, the specific figures have not. KCPL believes the specific figures conveyed in these portions of the hearing transcript convey “strategies employed, to be employed, or under consideration in contract negotiations”<sup>3</sup> with other vendors in the future. For this reason, the Commission determines that page 2380, line 19 through page 2381, line 2, and page 2381, lines 17-24, shall remain designated as “Highly Confidential.”

**E. Volume 20 – Proprietary Sections**

Great Plains and KCPL state that some portions of Volume 20 should not be declassified to a “Public” designation, but may be designated as “Proprietary” because those portions of the transcript are confidential financial and business information in accordance with Commission rules.<sup>4</sup> The following portions of Volume 20 fall within this category:

- (i) page 2549, lines 18-19;
- (ii) page 2550, lines 8-17;
- (iii) page 2551, line 4;
- (iv) page 2561, lines 20-25;
- (v) page 2562, lines 19-25;
- (vi) page 2563, line 1 through page 2564, line 21;
- (vii) page 2565, lines 2-4;
- (viii) page 2567, line 17 through page 2568, line 7;
- (ix) page 2571, lines 6-9;

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<sup>2</sup> 4 CSR 240-2.135(1)(B)6.

<sup>3</sup> See 4 CSR 240-2.135(1)(B)6.

<sup>4</sup> 4 CSR 240-2.135(1)(A).

- (x) page 2574, lines 16-19;
- (xi) page 2576, line 19 through page 2577, line 15;
- (xii) page 2593, lines 5-6, 14-25;
- (xiii) page 2594, lines 11-19;
- (xiv) page 2594, line 25 through page 2595, line 9; and
- (xv) page 2595, line 25 through page 2596, line 5.

The Commission finds that each of these portions of the hearing transcript contains confidential financial and business information that should be designated as “Proprietary.”

**F. Volume 20, page 2554, line 9 through page 2559, line 4**

Great Plains and KCPL argue that page 2554, line 9 through page 2559, line 4 of Volume 20 should remain “Highly Confidential” because it pertains to confidential information concerning the Crossroads facility. The Commission determines that this section of Volume 20 of the transcript shall remain classified as “Highly Confidential.”

**G. Volume 22, page 2733, line 11 through page 2734, line 4**

Great Plains and KCPL argue that page 2733, line 11 through page 2734, line 4 should remain designated as “Highly Confidential” because it involves the specifics of a dispute with a particular contractor. Because KCPL has and expects to have other disputes of a “conceptually similar nature” with other vendors, it believes that this portion of the transcript involves “strategies employed, to be employed, or under consideration in contract negotiations.”<sup>5</sup> The Commission determines that the information should remain “Highly Confidential.”

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<sup>5</sup> See 4 CSR 240-2.135(1)(B)6.

## **Conclusion**

Therefore, the Commission shall order that all portions of Volumes 10, 14, 18, 20, 22, and 24 of the transcript, except lines 11 through 20 of page 2338 in Volume 18 and those set out above, shall be designated as “Public.” In addition, parts of Volume 20 as set out above shall be designated as “Proprietary.”

### **IT IS ORDERED THAT:**

1. The Motion to Declassify Transcripts filed on June 2, 2008, by the Office of the Public Counsel is granted in part and denied in part as set forth below.

2. Volumes 10, 14, and 24 of the transcript shall be declassified in their entirety from “Highly Confidential” to “Public.”

3. The Data Center of the Missouri Public Service Commission shall change the designation in the Commission’s Electronic Filing and Information System (EFIS) from “Highly Confidential” to “Public” on all portions of Volume 10 (EFIS Docket No. 322), Volume 14 (EFIS Docket No. 352), and Volume 24 (EFIS Docket No. 383).

4. Volume 16 (EFIS Docket No. 357) of the transcript shall remain designated “Highly Confidential” in its entirety.

5. Volume 18, page 2331, line 22 through page 2332, line 8; page 2334, lines 12-15; page 2338, lines 11-20; page 2380, line 19 through page 2381, line 2; and page 2381, lines 17-24 of the transcript shall remain designated as “Highly Confidential.” The remainder of Volume 18 of the transcript shall be designated as “Public.”

6. The Data Center of the Missouri Public Service Commission shall make the portions of Volume 18 (EFIS Docket No. 377) of the transcript, except as set out in Ordered Paragraph No. 5, available in EFIS with a designation of “Public.”

7. The following portions of Volume 20 of the transcript shall be declassified from “Highly Confidential” to “Proprietary:”

- a. page 2549, lines 18-19;
- b. page 2550, lines 8-17;
- c. page 2551, line 4;
- d. page 2561, lines 20-25;
- e. page 2562, lines 19-25;
- f. page 2563, line 1 through page 2564, line 21;
- g. page 2565, lines 2-4;
- h. page 2567, line 17 through page 2568, line 7;
- i. page 2571, lines 6-9;
- j. page 2574, lines 16-19;
- k. page 2576, line 19 through page 2577, line 15;
- j. page 2593, lines 5-6, 14-25;
- l. page 2594, lines 11-19;
- m. page 2594, line 25 through page 2595, line 9; and
- n. page 2595, line 25 through page 2596, line 5.

8. Volume 20, page 2554, line 9 through page 2559, line 4 of the transcript shall remain designated as “Highly Confidential.”

9. The portions of Volume 20 of the transcript not set out in Ordered Paragraph Nos. 7 and 8 above shall be declassified from “Highly Confidential” to “Public.”

10. The Data Center of the Missouri Public Service Commission shall make the portions of Volume 20 (EFIS Docket No. 379) of the transcript, except as set out in Ordered Paragraph Nos. 7 and 8, available in EFIS as “Public.” The portions of Volume 20 as set out in Ordered Paragraph No. 7 shall be designated as “Proprietary” in EFIS. The portions of Volume 20 as set out in Ordered Paragraph No. 8 shall be designated as “Highly Confidential” in EFIS.

11. Volume 22, page 2733, line 11 through page 2734, line 4 shall remain designated as “Highly Confidential.” The remainder of Volume 22 of the transcript shall be designated as “Public.”

12. The Data Center of the Missouri Public Service Commission shall make the portions of Volume 22 (EFIS Docket No. 381) of the transcript, except as set out in Ordered Paragraph No. 11, available as "Public."

13. This order shall become effective on June 24, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Murray and Jarrett, CC., concur.  
Clayton, C., dissents.  
Davis, Chm., and Gunn, C., absent.

Dippell, Deputy Chief Regulatory Law Judge