

**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**

**PUBLIC COUNSEL’S RESPONSE TO ORDER DIRECTING FILING AND  
MOTION FOR DECLASSIFICATION PURSUANT TO 4 CSR 240-2.135**

COMES NOW the Office of the Public Counsel and for its Response to Order Directing Filing states as follows:

1. On December 27, 2007, the Commission issued an order in which it directed parties to file certain information, including portions of the depositions of Mr. Chesser and Mr. Downey. The Commission stated:

The parties arguing in favor of, and in opposition to, OPC’s Motion to Dismiss shall file the full context of the relevant portions of the depositions of Michael J. Chesser and William H. Downey, which these parties reference in their respective motion and/or responsive pleadings. The Commission would like to view enough of the surrounding text to the quoted citations as to be able to fully analyze these passages and avoid any issues associated with selective quotation.

2. To avoid any question of how much surrounding text is necessary to provide appropriate context, Public Counsel hereby files the entire text of each of those deposition transcripts. Although KCPL/GPE stated during the evidentiary hearings in this case that all of the deposition exhibits, and thus presumably much or all of the deposition transcripts, are considered Highly Confidential, Public Counsel disagrees. At most a particular word or phrase

may need to be redacted in order to protect sensitive information. Nonetheless, Public Counsel has filed them as Highly Confidential because Public Counsel believes that KCPL/GPE considers them to be Highly Confidential. Public Counsel requests that the Commission order KCPL/GPE to specify what particular portions (if any) it considers Highly Confidential or Proprietary and provide reasons for such designation.

WHEREFORE, Public Counsel respectfully provides this response to the Order Directing Filing, and requests that the Commission order KCPL/GPE to provide justification for treating any portions of the depositions of Mr. Chesser and Mr. Downey as Highly Confidential or Proprietary.

Respectfully submitted,

OFFICE OF THE Public Counsel

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## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 27<sup>th</sup> day of November 2007:

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