

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18th day of September, 2019.

In the Matter of the Application of KCP&L)
Greater Missouri Operations Company for)
Approval of a Special Rate for a Facility)
Whose Primary Industry is the Production)
or Fabrication of Steel in or Around Sedalia,)
Missouri)

File No. EO-2019-0244

ORDER GRANTING IN PART MECG'S MOTION TO COMPEL

Issue Date: September 18, 2019

Effective Date: September 18, 2019

On July 12, 2019, KCP&L Greater Missouri Operations Company (GMO) filed an application asking the Commission to approve a special incremental load rate for a steel production facility in Sedalia, Missouri. An evidentiary hearing is scheduled to begin October 17, 2019.

On September 12, 2019, Midwest Energy Consumers Group (MECG) filed a motion seeking to compel GMO to respond to certain data requests submitted to it. GMO objected to all of the data requests on the basis that they seek confidential or competitively sensitive business, financial or other proprietary documents, trade secrets or information or confidential information protected under Missouri law, federal law, belonging to or in possession of the Company. GMO specifically objected to data requests 1.4 – 1.11 as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not relevant or material to the subject matter of this proceeding.

Commission Rule 20 CSR 4240-2.090(1)¹ states that discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court. Missouri Rule of Civil Procedure 56.01(b) states that parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter. Parties may inquire into any matter that is reasonably calculated to lead to admissible evidence.²

The Commission will grant the motion to compel responses as to MECG's first set of data requests 1.1 – 1.3, and the Commission will order GMO to answer those data requests. The Commission will not compel GMO to answer data requests 1.4 – 1.11.

THE COMMISSION ORDERS THAT:

1. The Motion to Compel filed by Midwest Energy Consumers Group is granted in part. KCP&L Greater Missouri Operations Company shall respond to data requests 1.1 – 1.3 of MECG First Set of Data Requests to KCP&L Greater Missouri Operations Company. KCP&L Greater Missouri Operations Company shall fully respond to data requests 1.1 – 1.3 no later than September 20, 2019.
2. All other requests for relief are denied.

1 Effective August 28, 2019, all of the Commission's regulations were transferred from the Department of Economic Development's (DED) Title 4 to the Department of Commerce and Insurance's (DCI) (formerly Department of Insurance, Financial Institutions and Professional Registration) Title 20.

2 *State ex. rel. Martel v. Gallagher*, 797 S.W.2d 730 (Mo. App. E.D. 1990).

3. This order shall be effective September 18, 2019.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and
Coleman, CC., concur.

Clark, Senior Regulatory Law Judge