

**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

APPLICATION FOR REHEARING OF SHIRLEY AND ALLEN BOCKELMAN

COMES NOW Shirley and Allen Bockelman, by and through counsel, and pursuant to Section 386.500 RSMo. 2000 and 4 CSR 240-2.160, and respectfully apply for a rehearing of the Missouri Public Service Commission's ("Commission's") Report and Order issued in the above-styled matter on July 1, 2008 ("Report and Order"), purporting to authorize a combination of Aquila, Inc. (Aquila) and Kansas City Power & Light Company (KCPL)—a combination that was never requested by the Applicants.

1. Allen and Shirley Bockelman own and reside on property adjacent to an electric substation (commonly known as the "Peculiar Substation", and also known as part of the "South Harper Project" when referred to in connection with the South Harper peaking facility) which was built by Aquila in violation of local zoning restrictions. The Peculiar Substation has been the subject of certain Commission cases, including Case No. EA-2006-0309, which is currently on appeal. Allen Bockelman was among other

residents involved in litigation related to the South Harper Project who were granted intervention in the instant case.¹

2. The July 1, 2008 Report and Order is unlawful, unjust, unreasonable, arbitrary, capricious, and unsupported by competent and substantial evidence on the whole record, in the following respects:

- a. The Commission erred in approving a business and operational combination between Aquila and KCPL, even though such a combination was not requested by the joint applicants. The Commission previously erred in refusing to grant Motions in Limine (filed on November 27, 2007 and March 13, 2008) on this topic, thereby refusing to limit the procedural scope of this matter.
- b. The Commission erred in refusing to apply the burden of proof upon the joint applicants to show that the proposed transaction would be “not detrimental” to the public interest, and instead placing the burden of proof on other parties. The Commission further erred in applying an incorrect standard of proof for this case, confusing the standard of proof for this request for an acquisition with the standard of proof for requesting a certificate of convenience and necessity.
- c. The Commission erred in issuing a Report and Order that was approved by less than a majority of the five Public Service Commissioners. The July 1, 2008 Report and Order was approved by only two Commissioners over the dissent of one Commissioner. Such a vote is not legally sufficient to support the Report and Order.

¹ The other South Harper Residents are not requesting a rehearing of the July 1, 2008 Report and Order.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all the parties of record on this 13th day of July 2008:

/s/ John B. Coffman

John B. Coffman