

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Kansas City	)	
Power & Light Company for Approval of a Rate	)	
Schedule Authorizing the Use of Special Contracts	)	<b><u>Case No. EO-2006-0192</u></b>
and Approval of a Specific Special Contract	)	
between KCPL and an Existing Customer.	)	

**Dissenting Opinion of Commissioner Steve Gaw**

In this case this Commission has decided that information which is publicly available in another case will be labeled as Highly Confidential (HC) and kept from public view. This Commission's tendency to default in favor of keeping matters closed has always disturbed this Commissioner. The Commission's Orders on Confidentiality are not sufficiently followed in practice already. The Standard Order of Protection requires that a party requesting HC treatment justify this classification. Unfortunately the practice has been to ignore this portion of the order. It was again ignored in this matter.


In this case, the request for HC designation includes the name of the party contracting and the price charged under the contract. KCPL's request regarding price is arguably consistent with past practice before the Commission regarding special contracts. However, it is difficult to understand the rationale for keeping the information from the public. KCPL customers do not have an option for their electric provider. The argument that disclosure is harmful because it may aid a competitor is diminished significantly.

There is a concern that other similarly situated customers are receiving discriminatory treatment by KCPL. Yet that concern cannot be analyzed and gauged by those customers when the Commission assists in keeping the information private.

It is also disturbing to me that the information in this case about special contracts declared HC was made public in a preceding case. No justification has been given for now making this information non-public. The names of these companies with special contracts were in fact disclosed in the KCPL Experimental Regulatory Plan in Case No. EO-2005-0329. The Order in this case specifically refers to Case No. EO-2005-0329. One of the requirements that information be treated as non-public in the Commission's Order is that it is not already available to the public. Thus, this Commission is again ignoring its own Order in determining that it labels the information in this case HC.

For these reasons, I dissent.

Respectfully submitted,



Steve Gaw  
Commissioner

Dated at Jefferson City, Missouri,  
on this 18<sup>th</sup> day of September, 2007.