

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

**INITIAL STAFF RESPONSE TO APPARENT PRESUMPTION OF EARLY
JANUARY RESUMPTION OF RECESSED EVIDENTIARY HEARINGS**

Comes now the Staff of the Missouri Public Service Commission (Staff) and files its initial response to an apparent presumption that the recessed evidentiary hearings in this case will be reconvened in early January 2008, possibly the week of January 7, 2008. The Staff requests that the Commission not automatically set an early January 2008 resumption of the recessed evidentiary hearings, but wait until the other parties receive the Joint Applicants' new/alternative proposal, the Joint Applicants' make clear their proposed course of action regarding their new/alternative proposal, and a settlement conference has occurred at which, among other things, the parties discuss a procedural schedule for the resumption of the recessed evidentiary hearings. In support thereof, the Staff states as follows:

1. On December 6, 2007, the Joint Applicants indicated that they were working on a new/alternative proposal to be presented to the parties to this proceeding and requested a recess of the evidentiary hearings until dates in January 2008. One of the Counsel for GPE/KCPL made reference to the week of January 7, 2008 for resumption of the evidentiary hearings. Counsel for several intervenors responded that he could not comment on the resumption date referred to by the Joint Applicants. At the time of the rapidly occurring request for a recess in the evidentiary hearings, silence by other counsel to the mention of a resumption of the

evidentiary hearings as early as the week of January 7, 2008 was not intended, and should not be taken as having been intended, as acquiescence to a resumption of the evidentiary hearings as early as the week of January 7, 2008. The Commission granted the recess of the evidentiary hearings and the Chief Regulatory Law Judge Colleen M. Dale directed the Joint Applicants to file their new/alternative proposal by the end of this week and requested that the parties provide the dates of their availability for a resumption of the evidentiary hearings in January 2008. (The Staff witness, Mr. Schallenberg, at this time has no known conflicts that would prevent him from appearing during the month of January 2008.)

2. On December 10, 2007 Deputy Chief Regulatory Law Judge Nancy Dippell issued an Order Regarding Responses To Motion For Partial Summary Determination in the instant case. In the last paragraph on page 1 of the Order, in the second sentence is the phrase “[s]ince the Applicants have indicated that they intend to amend their merger plan.”

3. It is not clear to the Staff whether the Joint Applicants are working on a new/alternative proposal to present to the parties solely for settlement purposes or whether the Joint Applicants are working on a new/alternative proposal to present to the parties for settlement purposes and also as a new/alternative proposal to be offered to the Commission for adoption by it, regardless of whether the other parties can reach an agreement on the new/alternative proposal.

4. If indeed the Joint Applicants are amending their merger plan and will be presenting that amended merger plan to the Commission for adoption, the Staff anticipates a need for additional discovery and testimony, but the Staff will not definitively know that, and how much time it might recommend to the Commission for additional discovery and testimony, until it sees the Joint Applicants’ new/alternative proposal. Once the Joint Applicants file their

new/alternative proposal by the end of this week in compliance with Judge Dale's direction, the Commission should schedule a settlement conference for at least one day during the week of December 17, 2007 at which, among other things, the parties can discuss a procedural schedule for the resumption of the recessed evidentiary hearings

5. There are indications of a lack of clarity as to where matters stand at this point in the instant proceeding, including a question of whether the Joint Applicants will actually file a new/alternative proposal by the end of this week. As a consequence, the Staff thought it best to file the instant pleading in the hope that these matters, if not immediately addressed, may at least be raised. The Staff's intent is not to delay. The Staff's intent is clarity and due process.

Wherefore the Staff requests that the Commission not automatically order the resumption of the recessed evidentiary hearings in this case, but once the Joint Applicants file their new/alternative proposal this week, schedule a settlement conference for at least one day during the week of December 17, 2007 at which, among other things, the parties can discuss a procedural schedule for the resumption of the recessed evidentiary hearings.

Respectfully submitted,

/s/ Kevin A. Thompson

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 12th day of December 2007.

/s/ Kevin A. Thompson