

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of KCP&L Greater Missouri)
Operations Company for Permission and Approval and a)
Certificate of Public Convenience and Necessity Authorizing)
it to Acquire, Construct, Install, Own, Operate, Maintain, and) **Case No. EA-2009-0118**
Otherwise Control and Manage Electrical Production and)
Related Facilities in Certain Areas of Cass County, Missouri)
Near the City of Peculiar)

NOTICE AND ORDER

Issue Date: January 21, 2009

Effective Date: January 21, 2009

On September 30, 2008, KCP&L Greater Missouri Operations Company ("GMO") filed an application¹ with the Commission requesting the grant of a Certificate of Convenience and Necessity ("CCN") for two facilities: (a) the South Harper power plant and related infrastructure and (b) the Peculiar 345 kV substation recently annexed by the City of Peculiar.² Dogwood Energy, L.L.C., the County of Cass, Missouri, and the Sedalia Industrial Energy Users' Association ("SIEU") were granted intervention.

On January 9, 2009, all of the parties, with the exception of SIEU, submitted to the Commission a Stipulation and Agreement ("Agreement") purporting to resolve and any and all material issues involved in this matter. The signatories to the Agreement represented that counsel for SIEU advised them that SIEU would not oppose the Agreement and would not seek a hearing. No party opposed the Agreement in the time period allowed by Commission Rule 4 CSR 240-2.115. Consequently, pursuant to that rule, the Commission

¹ The application was filed pursuant to Section 393.170, 393.171, RSMo 2000, 4 CSR 240-2.060 and 4 CSR 240-3.105(1)(B).

² Both of these facilities are located in Cass County, Missouri.

shall treat the Agreement as being a unanimous agreement.

The Commission has set a date, February 19, 2009, to convene an on-the-record presentation for presentation of the Agreement. The Commissioners may have questions for the parties' counsel regarding the terms of the agreement or any other factual matters related to GMO's application. Should any party wish to present a witness at the on-the-record presentation for the purpose of proffering testimony regarding the stipulated facts in the Agreement, or in relation to the factual representations in GMO's verified application, that party shall be required to disclose the identity, occupational title, and expertise of that witness as directed in the paragraphs below.

All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the on-the-record presentation. If an exhibit has not been prefiled, the party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel. Post-presentation briefs shall not be required unless the Commission directs otherwise.

THE COMMISSION ORDERS THAT:

1. The non-unanimous Stipulation and Agreement, filed by the signatory parties on January 9, 2009, shall be treated as though it were a unanimous Stipulation and Agreement.
2. No later than February 12, 2009, any party wishing to present a witness at the on-the-record presentation for the purpose of proffering testimony regarding the stipulated facts in the January 9, 2009 Stipulation and Agreement, or in relation to the factual representations contained in KCP&L Greater Missouri Operations Company's verified

application, shall disclose the identity and occupational title of that witness, and shall file with the Commission a current resume or curriculum vitae for that witness.

3. All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the on-the-record presentation. If an exhibit has not been prefiled, the party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

4. This order shall become effective immediately upon issue.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 21st day of January, 2009.