

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

In the Matter of Kansas City)	
Power & Light Company's Request)	Case No. ER-2014-0370
for Authority to Implement a General)	
Rate Increase for Electric Service)	

**JOINT MOTION TO DECLASSIFY TESTIMONY
AND REQUEST FOR EXPEDITED TREATMENT**

COME NOW the Midwest Energy Consumers' Group ("MECG") and the Office of the Public Counsel ("OPC"), pursuant to 4 CSR 240-2.135, and for their Joint Motion to Declassify Testimony and Request for Expedited Treatment respectfully state as follows:

1. On June 5, 2015, OPC filed the Surrebuttal Testimony of William Addo. At pages 20-30 of that testimony, Mr. Addo discusses KCPL's normalized rate case expense. Included in that portion of testimony are two charts that present information regarding: (1) the total amount of rate case expense on a specific vendor basis through March 2015 (page 25); and (2) the hourly rate charged by KCPL's outside attorneys (page 27). As this pleading indicates, MECG and OPC believe that the public interest dictates that this information be declassified and available to the public.

2. Section 610.011.1 expressly provides that the public policy of Missouri is for the release of information and that the exceptions to this policy shall be strictly construed.

It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. Sections 610.010 to 610.200 shall be liberally construed and their exceptions strictly construed to promote this public policy. (emphasis added).

3. Consistent with this public policy preference, Commission Rule 4 CSR 240-2.135 provides only limited exceptions to the public disclosure of information. At subpart (1)(B), the Commission provides strict definitions for the designation of information as Highly Confidential. As reflected in the questioning of KCPL at the June 18 evidentiary hearing, counsel for KCPL has a difficult time expressing the rationale for treating the information at pages 25 and 27 as Highly Confidential (“HC”). Given the stated public policy that public records “be open to the public” and KCPL’s inability to justify the HC designation under one of the discrete definitions in subpart (1)(B), MECG and OPC request that the Commission declassify the information contained in the tables on pages 25 and 27 of Mr. Addo’s surrebuttal testimony.

4. OPC and MECG seek expedited treatment of this motion and request that the Commission issue an order granting this motion no later than its July 1, 2015 agenda meeting. An order prior to the culmination of the evidentiary hearing will ensure that the public policy and public records discussed during the hearing will be available to the general public contemporaneous with any continued discussion of those issues. The general public, and especially the KCPL ratepayers, who have a direct financial stake in the outcome of this rate case, deserve to have access to this information and the amount that the company spends to advocate for a rate increase. In this case, multiple witnesses have testified that a large portion of rate case expense will be incurred as a result of the evidentiary hearing and post-hearing briefs, activities that require significant attorney involvement. The amount of attorney involvement means that the attorneys’ hourly rates will constitute a significant component of the overall rate case expense. Thus, these rates require close scrutiny and the broadest possible disclosure to the public. KCPL’s request

that ratepayers pay for the entire expense serves to further justify public disclosure of the information contained in the tables at page 25 and 27 of Mr. Addo's surrebuttal testimony.

5. Furthermore, there will be no negative effect on the company if the Commission grants expedited treatment. In addition to the good cause shown above, no justifiable reason exists for the information to be shielded from public view. Other utilities do not attempt to keep their attorney's rates confidential; likely because none of the traditional reasons listed at 4 CSR 240-2.135(1)(B) that support HC treatment of information apply to legal fees. Instead, the classification of this information as HC is another instance of meritless over-classification. This motion was filed as soon as it could have been under the circumstances.

WHEREFORE, MECG and OPC respectfully request that the Commission grant this motion for expedited treatment and declassify the information contained in the tables at pages 25 and 27 of Mr. Addo's surrebuttal testimony.

Respectfully submitted,



David L. Woodsmall, MBE #40747
308 E. High Street, Suite 204
Jefferson City, Missouri 65101
(573) 636-6006
Facsimile: (573) 636-6007
Internet:
david.woodsmall@woodsmalllaw.com

ATTORNEY FOR THE MIDWEST
ENERGY CONSUMERS' GROUP

/s/ Tim Opitz
Tim Opitz
Senior Counsel
Missouri Bar No. 65082
P. O. Box 2230
Jefferson City MO 65102
(573) 751-5324
(573) 751-5562 FAX
Timothy.opitz@ded.mo.gov

OFFICE OF THE PUBLIC COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 23rd day of June 2015:

/s/ Tim Opitz