

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

In the Matter of the Construction Audit)
and Prudence Review of Environmental)
Upgrades To Iatan 1 Generating Plant, and)
Iatan Common Plant, and the Iatan 2)
Generating Plant, Including All Additions)
Necessary for These Facilities to Operate.)

Case No. EO-2010-0259

STAFF EXPERT WITNESS AVAILABILITY

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), and pursuant to the March 31, 2010 Agenda Session of the Missouri Public Service Commission (“Commission”), the Staff states as follows respecting the availability of its expert witnesses for a two-day on-the-record proceeding in April 2010:

1. On March 15, 2010, the Commission entered its *Order Establishing Investigatory Docket And Setting On-The-Record Proceeding* (“Order”) in this Case.

2. In its March 15, 2010 *Order*, the Commission established an April 6, 2010 date, beginning at 2:00 p.m., for an on-the-record proceeding, respecting the Staff’s Iatan 1 air quality control system (AQCS) environmental upgrades and Iatan common plant construction audit and prudence review.

3. On Monday, March 22, 2010, Kansas City Power & Light Company (“KCPL”) and KCP&L Greater Missouri Operations Company (GMO) filed (a) KCPL’S And GMO’S Motion To Reschedule The On-The-Record Proceeding and (b) KCPL’S And GMO’s (1) Response To Order Establishing Investigatory Docket And Setting On-The-Record Proceeding; And (2) Response To Staff Motion To Open Construction Audit And Prudence Review Investigation Case. In KCPL’s/GMO’s Motion To Reschedule The On-The-Record Proceeding, KCPL/GMO stated as follows at page 2 paragraphs 2 and 3, respectively:

. . . the Companies do not believe the Commission has scheduled adequate time for a full examination of all aspects of the audits and requests the Commission schedule two full days for the on the record hearing in this matter in order to accommodate witnesses and cross examination.

* * * *

The Companies request that the Commission reschedule the on-the-record proceeding for two full days during the week of April 12, 2010. A key witness for the Companies, Dr. Kris R. Nielson of Pegasus Global Holdings, Inc., is not available on April 6 or any other day during that week.

4. At page 5, paragraph 4.(b) and (c) and page 6, paragraph 4.(d) and (e) of KCPL's/GMO's March 22, 2010 Response, KCPL/GMO show as follows:

STAFF WITNESSES TO BE CROSS EXAMINED: Schallenberg, Hyneman, and Majors.

5. At the March 31, 2010 Agenda Session, the Commissioners discussed scheduling a two-day hearing the week of April 12, 2010 as KCPL/GMO has requested, and, as a consequence, canceling the April 6, 2010 hearing.¹ The discussion turned to whether the week of April 12, 2010 was problematic because of hearings presently scheduled for that week. The discussion concluded with the week of April 19, 2010 appearing to be the likely choice of the Commissioners. Undersigned Staff counsel immediately advised the Regulatory Law Judge and KCPL/GMO counsel attending the Commission's March 31, 2010 Agenda Session that Staff's expert witness Mr. Hyneman, who KCPL/GMO had indicated they wanted to cross-examine, has a scheduling conflict the week of April 19, 2010. The Staff had not raised this scheduling conflict in any of its pleadings because the Commission's original scheduled date of April 6, 2010 and KCPL's requested week of April 12, 2010 presented no conflicts for the Staff.² Also,

¹ Undersigned Staff counsel is wary of referring to and acting upon Agenda Session discussions of the Commissioners and Regulatory Law Judges, but the matters in question are procedural rather than substantive.

² Union Electric Company's, d/b/a/ AmerenUE (AmerenUE) true-up hearing, if necessary, in Case No. ER-2010-0036, is presently scheduled for April 12-13, 2010, and a hearing for three nonunanimous stipulations and agreements in that case is presently scheduled for April 12, 2010. A workshop in the Senate Bill No. 376 / Missouri

the Staff did not want to mention any dates later than those being proposed by KCPL for fear of creating an impression that the Staff was suggesting dates different and later than those proposed by KCPL/GMO.

6. Regulatory Law Judge Harold Stearley has requested that the Staff provide dates for which the Staff has scheduling conflicts or, alternatively, is available. The Staff remains available the entire week of April 12, 2010, can be available April 21-22, 2010, and is available the entire week of April 26, 2010 except on the morning of April 27, 2010 one of the Staff's expert witnesses, Mr. Schallenberg, is not available before 9:30 a.m. Undersigned Staff counsel had a voicemail message from counsel for KCPL/GMO, on Wednesday, March 31, 2010, stating that although KCPL/GMO witnesses are available on April 15-16, 2010, KCPL/GMO would now prefer the week of April 26, 2010 rather than the April 15-16, 2010 days.

WHEREFORE the Staff submits the above dates of Staff unavailability / availability for the two-day on the record proceeding to be scheduled by the Commission in April 2010 in this matter.

Respectfully submitted,

/s/ Steven Dottheim
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CERTIFICATE OF SERVICE

Energy Efficiency Investment Act (Section 393.1075) matter and the demand response aggregation FERC Order Nos. 719 and 719-A matter is presently scheduled for April 14, 2010. (The demand response aggregation item will be reset for a May 2010 workshop, but the April 14, 2010 workshop for the Senate Bill No. 376 / Missouri Energy Efficiency Investment Act (Section 393.1075) will occur as scheduled.) Also, a hearing is scheduled for April 14-16, 2010 for Case Nos. SC-2010-0150, et al.

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 1st day of April, 2010.

/s/ Steven Dottheim