

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

In the Matter of the Application of Kansas City)
Power & Light Company for Approval to Make)
Certain Changes in its Charges for Electric) **File No. ER-2010-0355**
Service to Continue the Implementation of Its)
Regulatory Plan)

In the Matter of the Application of KCP&L)
Greater Missouri Operations Company for) **File No. ER-2010-0356**
Approval to Make Certain Changes in its Charges)
for Electric Service)

**STAFF RESPONSE IN OPPOSITION TO MOTION OF KCPL AND GMO
FOR PROTECTIVE ORDER TO QUASH HEARING SUBPOENAS**

Comes now the Staff of the Missouri Public Service Commission (Staff) through the Staff Counsel's Office in opposition to the Motion For Protective Order Of Kansas City Power & Light Company (KCPL) And KCP&L Greater Missouri Operations Company (GMO) To Quash Hearing Subpoenas served by Staff upon KCPL/GMO on January 14, 2011, or otherwise to limit their terms and conditions. In response the Staff states, as follows:

1. KCPL/GMO assert in paragraph 1 of their Motion To Quash Hearing Subpoenas that because Ms. Denise Schumaker and Mr. Terry Bassham have been deposed by the Staff "there is no good reason why they should be compelled to attend the hearing." Ms. Shumaker and Mr. Bassham should be required to the attend the hearing so that the Commissioners may be able to hear their testimony as elicited by the Staff and observe their demeanor, and so that the Commissioners themselves may be able to ask Ms. Schumaker and Mr. Bassham questions themselves or have Presiding Administrative Law Judge Ron Pridgin ask Ms. Schumaker and Mr. Bassham questions, if a Commissioner is not able to attend the hearing. Although the Staff did file a Notice Of Depositions regarding the depositions of Ms. Schumacher and Mr. Bassham,

it was on an expedited basis. Not issuing the protective order to quash the hearing subpoenas as requested by KCPL/GMO, will permit the Office of the Public Counsel and other parties that may attend the hearing the opportunity to ask Ms. Schumaker and Mr. Bassham questions. Ms. Schumacker was Iatan Construction Project Risk / Compliance Manager, and is presently KCPL Accounting Policy Expert, and Mr. Bassham is KCPL Executive Vice President of Utility Operations. Among the other matters already noted by the Staff, Ms. Schumaker was assigned significant multiple responsibilities and duties for the Iatan Construction Project but was not assigned by KCPL the responsibility and duty of appearing before the Commission in the Iatan Construction Project rate cases.

2. Regarding Mr. David McDonald, since the Staff as yet has not deposed Mr. McDonald, who is the most recent Procurement Director on the Iatan Construction Project, the Staff is amenable to using Mr. McDonald's deposition submitted to the Commission with appropriate designations rather than compelling his appearance at the hearing. As explained in the Staff's Response In Opposition To The Motion For Protective Order Of Kansas City Power & Light Company (KCPL) And KCP&L Greater Missouri Operations Company (GMO) To Quash Deposition Subpoena Duces Tecum the Staff is amenable to narrowing the document request it made in paragraph 4 of Attachment A of its Subpoena Duces Tecum, as indicated in said pleading, and considers KCPL/GMO to have responded to paragraph 3 of Attachment A.

3. The Staff does not seek to call Ms. Schumaker and Mr. Bassham to vex Ms. Schumaker, Mr. Bassham, KCPL/GMO, or the Commission. The Staff does not seek to heedlessly or needlessly prolong these proceedings. The Staff understands the significance of the decisions before the Commission and is attempting to balance the convenience and needs of KCPL/GMO with the need to provide competent and substantial evidence to the Commission.

Wherefore the Staff the Staff files its response in opposition to the Motion For Protective Order Of Kansas City Power & Light Company (KCPL) And KCP&L Greater Missouri Operations Company (GMO) To Quash Hearing Subpoenas served by Staff upon KCPL/GMO on January 14, 2011.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 21th day of January, 2011.

/s/ Steven Dottheim

