

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 18th day
of August, 2010.

In the Matter of the Application of Kansas City)
Power & Light Company for Approval to Make)
Certain Changes in its Charges for Electric)
Service to Continue the Implementation of Its)
Regulatory Plan)

File No. ER-2010-0355
Tariff No. JE-2010-0692

**ORDER APPROVING NONUNANIMOUS STIPULATION
AND AGREEMENT, SETTING PROCEDURAL
SCHEDULE, AND CLARIFYING ORDER
REGARDING CONSTRUCTION AND PRUDENCE AUDIT**

Issue Date: August 18, 2010

Effective Date: August 18, 2010

On June 4,¹ Kansas City Power & Light Company submitted to the Commission proposed tariff sheets intended to implement a general rate increase for electrical service provided in its Missouri service area. The proposed tariff sheets bear a requested effective date of May 4, 2011.

The Commission held a prehearing conference on July 6, and ordered the parties to file a proposed procedural schedule by July 20. The Commission then granted a motion to extend the deadline to file such a schedule to July 27, then July 28.

On July 29, The Staff of the Commission, KCP&L, Praxair, Inc., and Missouri Energy Users' Association filed a Nonunanimous Stipulation and Agreement/Proposed Procedural Schedule (hereafter "Stipulation"). The Stipulation also sought clarification of a

¹ Calendar references are to 2010 unless otherwise noted.

July 7, 2010 Order Regarding Construction and Prudence Audit the Commission issued. The order will be clarified as stated below.

Commission Rule 4 CSR 240-2.115 allows parties seven days to object to nonunanimous stipulations. No party filed an objection. Thus, the Commission will take up the Stipulation unopposed.

The Commission notes that the Stipulation contained some alternative language. The Commission finds the Stipulation, with the below-ordered language included, reasonable, and will approve it.

THE COMMISSION ORDERS THAT:

1. The Nonunanimous Stipulation and Agreement, with the below-ordered alternative language proffered by the signatories, is approved.

2. The signatories of the Nonunanimous Stipulation and Agreement are ordered to comply with its terms.

3. A test period of the 12 months ending December 31, 2009, to be updated through June 30, 2010 with a true-up of the 12 months ending December 31, 2010, is set. The Staff may audit the latan 1 Air Quality Control System ("AQCS") costs for an appropriate period beyond August 6, 2010.

4. The Commission's July 7, 2010 Order Regarding Construction and Prudence Audit is clarified to reflect the dates ordered in paragraph 3.

5. A true-up period of the 12 months ending December 31, 2010, and latan 2 and latan Common Plant cutoff period of October 31, 2010, is ordered, assuming that the actual in-service date of latan 2 is projected to occur no later than December 31, 2010. However, in the event that the in-service date of latan 2 is projected to be delayed beyond December 31, 2010, the true-up period would be moved to the last day of the same

calendar month as the actual in-service date of Iatan 2 and the Iatan 2 and Iatan Common Plant cutoff period would be moved to two months prior the revised true-up date. The Commission clarifies its July 7, 2010 Order Regarding Construction and Prudence Audit to allow Staff to audit Iatan 2 and Iatan Common Plant costs for an appropriate period beyond January 30, 2011.

6. If the true-up period is adjusted, Kansas City Power & Light Company shall extend the effective date of its tariffs four months past the end of the true-up period; however, such adjustment shall not extend beyond an in-service date for Iatan 2 of March 31, 2011.

7. Kansas City Power & Light Company shall indicate by filing a pleading no later than October 6, 2010 if it seeks to adjust the true-up period.

8. The evidentiary hearing previously set in this matter is rescheduled. An evidentiary hearing is hereby set for this case as follows: January 18 through February 4, 2011. Each day of hearing shall commence at 8:30 a.m. unless otherwise ordered. The evidentiary hearing shall be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in the hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

9. The above-referenced hearing will include hearings for File No. ER-2010-0355 and ER-2010-0356 issues concerning Iatan 1, Iatan 2, Iatan Common Plant issues, Kansas City Power & Light Company only issues, and Kansas City Power & Light Company–KCP&L Greater Missouri Operations Company common issues.

10. The true-up hearing previously set in this matter is rescheduled. The true-up hearing is set for March 3 and 4, 2011, in the event that such a hearing is requested and the Commission grants the request. The true-up hearings should cover the reconciliation of the numbers for latan projects and all traditional rate case true-up costs for the true-up period and compliance with in-service criteria for latan 2. The true-up hearing will be held jointly with any true-up hearing needed in File No. ER-2010-0356. The true-up hearing shall be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in the hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

11. The monthly status conferences are set for 1:00 p.m. on the following dates: September 2, October 7, November 4, December 2, 2010, and January 6, 2011. The monthly status conferences shall be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in the conferences, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the conference.

12. The remainder of the procedural schedule is listed on the chart affixed to this order and labeled Attachment A. The parties are ordered to comply with the procedural schedule.

13. The parties shall file their recommendations, if any, concerning local public hearing dates and locations no later than August 27, 2010.

14. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

15. An effort should be made to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135.

16. Counsel for each party shall receive electronically from each other party, an electronic copy of the text of all data request “descriptions” served by that party on another party in the case contemporaneously with service of the request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request – in this manner the party providing a response to a data request has the opportunity to object to providing the response to another party and is responsible for copying information purported to be highly confidential or proprietary – thus, if a party wants a copy of a data request response by KCP&L to a Staff data request, the party should ask KCP&L, not the Staff, for a copy of the data request response unless there are appropriate reasons to direct the discovery to the party originally requesting the material. Data requests, objections, or notifications respecting the need for

additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses will be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous as defined by Commission rule.

17. Until the filing of direct testimony on rate design pertinent issues, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After rate design direct filing and until the filing of rate design rebuttal testimony, the response time for data requests shall be 10 business days to provide the requested information, and 5 business days to object or notify that more than 10 business days will be needed to provide the requested information. After the filing of rate design rebuttal testimony, the response time for data requests shall be 10 calendar days to provide the requested information, and 5 calendar days to object or notify that more than 10 calendar days will be needed to provide the requested information. If data requests are issued contemporaneously or nearly contemporaneously in voluminous number, mindful of filing dates, the parties shall work in good faith to resolve questions relating to timeliness of responses.

18. Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be

appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

19. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs and outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format, in a form that is fully operable.

20. The Commission waives 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and will treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.

21. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

22. Data requests and data request responses in any one of the three following cases may be used in any other of the three following cases - ER-2010-0355, ER-2010-0356, and EO-2010-0353 (In the Matter of the Application of Kansas City Power & Light Company Regarding the Sale of Assets and Property Rights Located Near Spearville, Kansas).

23. This order shall become effective upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
Gunn, and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge