

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 23rd day of November, 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)
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File No. ER-2010-0355

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

ORDER REGARDING MOTION TO COMPEL

Issue Date: November 23, 2010

Effective Date: November 23, 2010

On October 14,¹ Robert Wagner filed a Motion to Compel Discovery. He stated that he received a discovery response to his Interrogatory Number 6 that stated the requested information is confidential, and would therefore not be provided. Mr. Wagner wishes the Commission to order that KCP&L must provide all proprietary and highly confidential information to him.

KCP&L responded, stating that it believed it could work with Mr. Wagner to otherwise ensure he saw the information that KCP&L withheld from Interrogatory Number 6. However, it objected to the sweeping request of Mr. Wagner being allowed to see **all** highly confidential and proprietary information, as it would not be reasonably

¹ Calendar references are to 2010 unless otherwise noted.

calculated to lead to admissible evidence on Mr. Wagner's limited issues of outdoor lighting.

KCP&L and Mr. Wagner have indicated to the Regulatory Law Judges in these cases that Mr. Wagner was able to review the document in question. Thus, Mr. Wagner's motion appears to be moot. However, understanding that Mr. Wagner has concerns that KCP&L may be withholding further information, the Commission will afford him an opportunity to seek that information.

The Commission, by separate order, has appointed Senior Regulatory Law Judge Harold Stearley as a special master in another discovery dispute in these cases. The Commission will also appoint Judge Stearley as Special Master for any further discovery disputes between Mr. Wagner and KCP&L.

If Mr. Wagner wishes to review further proprietary or highly confidential information, he shall alert Judge Stearley, who will then set a procedure for addressing the requests. After hearing any disputes, Judge Stearley shall prepare an appropriate order for the Commission's approval. Judge Stearley may be contacted at Harold.stearley@psc.mo.gov or 573-522-8459.

THE COMMISSION ORDERS THAT:

1. Senior Regulatory Law Judge Harold Stearley is appointed Special Master for the discovery disputes set out above.

2. This order shall become effective immediately on issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Pridgin, Senior Regulatory Law Judge