

**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 )  
Approval to Make Certain Changes in its ) **File No. ER-2010-0356**  
Charges for Electric Service )

In the Matter of The Empire District Electric )  
Company of Joplin, Missouri for Authority to File ) **File No. ER-2011-0004**  
Tariffs Increasing Rates for Electric Service )  
Provided to Customers in the Missouri Service )  
Area of the Company )

**ORDER ESTABLISHING A RESPONSE DEADLINE**

Issue Date: November 24, 2010

Effective Date: November 24, 2010

On November 23,<sup>1</sup> the Commission appointed Regulatory Law Judge, Harold Stearley as Special Master for discovery disputes in ER-2010-0355 and ER-2010-0356. Judge Stearley is currently assigned to preside over case ER-2011-0004. When addressing this potential appointment in its November 23 pleading, Staff noted:

At page 3, paragraph 6 of the November 12, 2010 KCPL/GMO *Response*, they suggest that Regulatory Law Judge Harold Stearley would be the most appropriate Regulatory Law Judge to serve as a Special Master in that, among other things, he has dealt with privilege/immunity issues respecting late documents in the docket numbers of the concluded preceding rate cases, Case Nos. ER-2009-0089 and ER-2009-0090, of KCPL and GMO. The Staff certainly has no objection to Judge Stearley serving as the Special Master. But the Staff would point out what KCPL/GMO have not: Judge Stearley is the Commission's Regulatory Law Judge assigned to the pending rate increase case of The Empire

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<sup>1</sup> Calendar references are to 2010 unless otherwise noted.

District Electric Company (Empire), File No. ER-2011-0004, and the same issues respecting latan 1, latan 2, and latan Common Plant that are in the pending KCPL/GMO rate cases are likely to be in the Empire rate case to which Judge Stearley is presently assigned as Regulatory Law Judge. It is not presently known whether parties to the Empire rate case will want to relitigate the latan issues or might be willing to accept the record from the KCPL/GMO rate cases and the Commission's Report And Order on latan Project issues in File Nos. ER-2010-0355 and ER-2010-0356. If Judge Stearley is to serve as the Special Master in File Nos. ER-2010-0355 and ER-2010-0356, then there may be some question as to whether he should continue to serve as the Regulatory Law Judge in File No. ER-2011-0004.

The Commission will set a deadline for the parties to address any issues or concerns they may have regarding the appointment of Judge Stearley as a Special Master for discovery disputes in ER-2010-0355 and ER-2010-0356.

**THE COMMISSION ORDERS THAT:**

1. Any party having objections to the appointment of Judge Stearley as the Special Master for discovery issues in file numbers ER-2010-0355 and ER-2010-0356, shall file said objections no later than December 3, 2010.
2. This order shall become effective immediately on issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority under  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 24th day of November, 2010.