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 Service to Implement its Regulatory Plan.	)	**Case 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.	)	**Case No. ER-2010-0356**

OBJECTION TO LATE-FILED EXHIBIT

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and, for its objection to the exhibit of Kansas City Power & Light Company late-filed February 22, 2011, states:

1. On January 25, 2011, during the hearing of the issue of KCPL's settlement with Alstom, Commissioner Kenney stated, ** [redacted] ** In response KCPL/GMO witness Kenneth Roberts testified, ** [redacted] ** Then KCPL/GMO attorney stated, ** [redacted] ** Commissioner Kenney responded, ** [redacted] ** and the presiding officer, Judge Pridgin, stated, ** [redacted] **

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KCPL/GMO attorney Fischer responded, ** [redacted] ** At that point Public Counsel Lewis Mills stated, ** [redacted] ** Commissioner Kenney responded, ** [redacted] ** Mr. Mills stated, ** [redacted] ** KCPL/GMO counsel Fischer responded, ** [redacted] ** Commissioner Kenney stated, ** [redacted] ** To which KCPL/GMO counsel Fischer responded, ** [redacted] ** (Emphasis added.)" Then Public Counsel Mills stated, ** [redacted] **[1]

2. On February 22, 2011, as its late-filed exhibit to Commissioner Kenney's January 25, 2011, request KCPL/GMO filed what it described as follows: ** [redacted]

[1] Tr. Vol. 24, pp. 1961-63 (While this all occurred in camera, Staff questions whether any but perhaps the first sentence is actually highly confidential or proprietary information.

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[redacted] **

3. On February 22, 2011, in response to the e-mail with which KCPL/GMO served Staff with the exhibit, Staff advised KCPL/GMO counsel Fischer Staff was unable to confirm the documents in the exhibit were provided to Staff in response to Staff data requests and requested KCPL/GMO to identify the documents to the Staff data request(s) where KCPL or GMO had provided them to Staff.

4. Because KCPL/GMO had not responded to Staff's February 22, 2011 request, Staff renewed its request in a March 1, 2011 e-mail to KCPL/GMO counsel Fischer. Attached is a copy of the March 1, 2011 e-mail, which includes the earlier February 22, 2011, e-mail in the body of the e-mail.

5. At the beginning of the true-up hearing on March 3, 2011, because KCPL/GMO still had not responded, Staff counsel again raised the issue. At the hearing the following took place on the record:

> MR. WILLIAMS: Before we do that, I'd like to bring up that in the Kansas City Power and Light Company case the Company filed a late-filed exhibit in response to a request of Commissioner Kenney on February 22nd.
>
> JUDGE DIPPELL: Yes.
>
> MR. WILLIAMS: And the Company had represented during the hearing that the information it was providing in that exhibit was information it provided to Staff in response to discovery.
>
> JUDGE DIPPELL: Yes.
>
> MR. WILLIAMS: I'm not asserting that it is not, but Staff has not yet been able to confirm that it is.
>
> JUDGE DIPPELL: All right.

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> MR. WILLIAMS: And I have inquired of the Company, at least for the data request responses, it says that information's contained. And thus far I have not received that. I just want to make the Commission aware of that.
>
> * * * *
>
> JUDGE DIPPELL: No -- no problem there. And with regard to the late-filed exhibit that Mr. Williams mentioned --
>
> MR. STEINER: We are researching what DRs information was provided to Staff. We also believe that some of the information is in the prefiled testimony. So we're trying to figure out which is which and we're endeavoring to do that now.[2]

6. Staff believes the document identified in the cover letter as ** [redacted] ** was provided to Staff in discovery; however, Staff is filing this objection because KCPL/GMO still have not identified the documents in the late-filed exhibit to the Staff data request(s) where KCPL/GMO provided them to Staff.

WHEREFORE, with the exception of the document identified by KCPL/GMO as ** [redacted] ** which Staff believes KCPL/GMO provided to Staff in discovery, to the extent the exhibit KCPL/GMO late-filed on February 22, 2011, in response to Commissioner Kenney's request on January 25, 2011, for information pertaining to KCPL's settlements with Alstom includes material that was not provided to Staff by KCPL or GMO in response to one or more Staff data requests—which Staff has not been able to confirm despite repeated requests to KCPL/GMO to identify the Staff data requests to which KCPL or GMO provided the information to Staff, Staff objects to the Commission admitting into evidence in either or both of these cases the documents KCPL/GMO have provided in that exhibit, and requests the Commission to order KCPL and GMO to identify to Staff and the Commission , the Staff data requests in response to which the

[2] Tr. Vol. 43, pp. 4550 & 4552.

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information was produced and provide Staff an opportunity to confirm the identifications, or sustain Staff's objection and not admit any part of the exhibit into evidence.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams
Deputy Counsel
Missouri Bar No. 35512

Attorney for the Staff of the
Missouri Public Service Commission
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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 18th day of March, 2011.

/s/ Nathan Williams

NP

From: Williams, Nathan
To: Schnieders, Carla;
Subject: FW: Notification For Case: ER-2010-0355
Date: Friday, March 18, 2011 3:57:53 PM
Attachments: image001.png

From: Williams, Nathan
Sent: Tuesday, March 01, 2011 1:42 PM
To: Williams, Nathan; 'JFischerPC@aol.com'; amerenmoservice@ameren.com; arthur.bruder@hq.doe.gov; carla.lomax@kcpl.com; chatfield@stinson.com; clumley@lawfirmemail.com; comleym@ncrpc.com; curtis.blanc@kcpl.com; dan.gibb@snrdenton.com; dcarter@brydonlaw.com; dcooper@brydonlaw.com; dkincheloe@mpua.org; dmvuylsteke@bryancave.com; doug@healylawoffices.com; dwoodsmall@fcplaw.com; gcafer@sbcglobal.net; GCO Internet Service; grace.kim@kcpl.com; heather.humphrey@kcpl.com; ila.king@kcpl.com; jdeutsch@blitzbardgett.com; jfinnegan@fcplaw.com; jim@smizak-law.com; john@johncoffman.net; jrw@blake-uhlig.com; karl.zobrist@snrdenton.com; Thompson, Kevin; lisa.gilbreath@snrdenton.com; lobb@smithlewis.com; lowery@smithlewis.com; lrackers@brydonlaw.com; lwdority@sprintmail.com; maryann.young@dnr.mo.gov; mea@blake-uhlig.com; mike.noack@sug.com; nsader@sadergarvin.com; opcservice@ded.mo.gov; rmitten@brydonlaw.com; roger.steiner@kcpl.com; sarah.mangelsdorf@ago.mo.gov; steven.porter@hq.doe.gov; stucon@fcplaw.com; susan.cunningham@snrdenton.com; tim.rush@kcpl.com; tleblanc@kcp.com; todd.jacobs@sug.com; tschwarz@blitzbardgett.com; Dottheim, Steve
Cc: Ott, Jaime; Thompson, Kevin; Schallenberg, Bob; Hyneman, Chuck; Majors, Keith; Kliethermes, Sarah; 'Steiner Roger'
Subject: RE: Notification For Case: ER-2010-0355

Jim,

I do not see that you have responded to the below e-mail. Can KCPL not confirm the materials in the exhibit were provided to Staff in response to discovery?

Nathan

From: Williams, Nathan
Sent: Wednesday, February 23, 2011 3:05 PM
To: 'JFischerPC@aol.com'; amerenmoservice@ameren.com; arthur.bruder@hq.doe.gov; carla.lomax@kcpl.com; chatfield@stinson.com; clumley@lawfirmemail.com; comleym@ncrpc.com; curtis.blanc@kcpl.com; dan.gibb@snrdenton.com; dcarter@brydonlaw.com; dcooper@brydonlaw.com; dkincheloe@mpua.org; dmvuylsteke@bryancave.com; doug@healylawoffices.com; dwoodsmall@fcplaw.com; gcafer@sbcglobal.net; GCO Internet Service; grace.kim@kcpl.com; heather.humphrey@kcpl.com; ila.king@kcpl.com; jdeutsch@blitzbardgett.com; jfinnegan@fcplaw.com; jim@smizak-law.com; john@johncoffman.net; jrw@blake-uhlig.com; karl.zobrist@snrdenton.com; Thompson, Kevin; lisa.gilbreath@snrdenton.com; lobb@smithlewis.com; lowery@smithlewis.com; lrackers@brydonlaw.com; lwdority@sprintmail.com; maryann.young@dnr.mo.gov; mea@blake-uhlig.com; mike.noack@sug.com; nsader@sadergarvin.com; opcservice@ded.mo.gov; rmitten@brydonlaw.com; roger.steiner@kcpl.com; sarah.mangelsdorf@ago.mo.gov; steven.porter@hq.doe.gov; stucon@fcplaw.com; susan.cunningham@snrdenton.com; tim.rush@kcpl.com; tleblanc@kcp.com; todd.jacobs@sug.com; tschwarz@blitzbardgett.com; Dottheim, Steve
Cc: Ott, Jaime; Thompson, Kevin; Schallenberg, Bob; Hyneman, Chuck; Majors, Keith; Kliethermes, Sarah
Subject: RE: Notification For Case: ER-2010-0355

Jim,

On pages 1961-64 of the transcript you represented the late-filed exhibit would consist of DR responses pertaining to the KCPL settlement with Alstom . Staff is unable to confirm that the copies you have provided to the Commission in the exhibit were provided to Staff in response to data requests it issued. Would you please identify each document to the data request to which it was provided as a response? You identify the documents in the cover letter to the Commission as follows:

[redacted]

Thank you,

Nathan.

From: JFischerPC@aol.com [mailto:JFischerPC@aol.com]
Sent: Tuesday, February 22, 2011 1:59 PM
To: amerenmoservice@ameren.com; arthur.bruder@hq.doe.gov; carla.lomax@kcpl.com; chatfield@stinson.com; clumley@lawfirmemail.com; comleym@ncrpc.com; curtis.blanc@kcpl.com; dan.gibb@snrdenton.com; dcarter@brydonlaw.com; dcooper@brydonlaw.com; dkincheloe@mpua.org; dmvuylsteke@bryancave.com; doug@healylawoffices.com; dwoodsmall@fcplaw.com; gcafer@sbcglobal.net; GCO Internet Service; grace.kim@kcpl.com; heather.humphrey@kcpl.com; ila.king@kcpl.com; jdeutsch@blitzbardgett.com; jfinnegan@fcplaw.com; jim@smizak-law.com; john@johncoffman.net; jrw@blake-uhlig.com; karl.zobrist@snrdenton.com; Thompson, Kevin; lisa.gilbreath@snrdenton.com; lobb@smithlewis.com; lowery@smithlewis.com; lrackers@brydonlaw.com; lwdority@sprintmail.com; maryann.young@dnr.mo.gov; mea@blake-uhlig.com; mike.noack@sug.com; nsader@sadergarvin.com; opcservice@ded.mo.gov; rmitten@brydonlaw.com; roger.steiner@kcpl.com; sarah.mangelsdorf@ago.mo.gov; steven.porter@hq.doe.gov; stucon@fcplaw.com; susan.cunningham@snrdenton.com; tim.rush@kcpl.com; tleblanc@kcp.com; todd.jacobs@sug.com; tschwarz@blitzbardgett.com; Dottheim, Steve; Williams, Nathan
Cc: JFischerPC@aol.com
Subject: Re: Notification For Case: ER-2010-0355

Service copy attached. Please note attachment contains HC information and should be treated accordingly.

Jim Fischer
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, MO 65101
(573) 636-6758
(573) 636-0383 (Fax)
jfischerpc@aol.com

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In a message dated 2/22/2011 1:52:32 P.M. Central Standard Time, efis.messenger@psc.mo.gov writes:

> ***** Please do not reply to EFIS Messenger. Replies to this computer generated e-mail are routed to an unmonitored mailbox. *****
>
> Notice a submission in ER-2010-0355
>
> Title of Submission : Cover Letter and Late-filed Exhibit
> Style of Case : 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
> Company Name(s) : Kansas City Power & Light Company-Investor(Electric)
> Type of Filing : Post-Hearing Exhibit
>
> Date Filed : 2/22/2011 Time : 1:52:29 PM

NP