

**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 APPOINTING SPECIAL MASTER
AND CLARIFYING JULY 7, 2010 ORDER**

Issue Date: November 23, 2010

Effective Date: November 23, 2010

On November 1,¹ the Staff of the Commission filed a Request for a Special Master. Staff states that Kansas City Power & Light Company has withheld or redacted documents, stating that the documents are immune from discovery due to privilege or work product immunity. Staff included an attachment to its motion that listed the documents it would have a Special Master review.

KCP&L responded on November 12, stating that it did not believe a Special Master was necessary, as it believes Staff is filing the request merely to avoid criticism from the Commission. However, it said it would not oppose a Special Master if the Commission believes it is truly necessary.

¹ Calendar references are to 2010 unless otherwise noted.

The Commission will appoint Senior Regulatory Law Judge Harold Stearley as a special master to review the unredacted documents listed in Attachment A to Staff's pleading. After reviewing those documents, he shall also to prepare an appropriate order for the Commission's approval.

In addition, the Commission will clarify its earlier consolidation of these cases with File No. EO-2010-0259, a non-contested case.² Upon consolidation of these cases, the Commission copied the items from EO-2010-0259 into this case file. The Midwest Energy Users Association, Praxair, Inc., Ag Processing, Inc., a Cooperative, and the Sedalia Industrial Users' Association (collectively referred to as the "Industrial Intervenors") requested clarification of that order.

The Industrial Intervenors' concern is that the Commission will rely on orders, testimony, pleadings, or other information from File No. EO-2010-0259 without all parties to the current cases having had an opportunity to review, object, or respond since not all parties to these cases were parties to EO-2010-0259. The Commission will clarify its previous order by assuring the Industrial Interevenors that the Commission will rely on only substantial and competent evidence in making its decision in these cases. No information copied to this case file from File No. EO-2010-0259 will be relied on by the Commission merely because it has been placed on the docket sheet. All evidence relied on by the Commission will need to meet the appropriate evidentiary standards.

² *Order Regarding Construction and Prudence Audit*, issued July 7, 2010.

THE COMMISSION ORDERS THAT:

1. Senior Regulatory Law Judge Harold Stearley is appointed Special Master for discovery issues listed above and any other discovery disputes referred by the regulatory law judges assigned to these cases.
2. Kansas City Power & Light Company shall deliver a copy of the unredacted documents listed in Attachment A of Staff's Request for a Special Master, under seal, no later than November 30, 2010.
3. The Order Regarding Construction and Prudence Audit issued on July 7, 2010, is clarified as set out above.
4. 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