

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Joint Application of Great Plains)	
Energy Incorporated, Kansas City Power & Light)	
Company, and Aquila, Inc., for Approval of the Merger)	<u>Case No. EM-2007-0374</u>
of Aquila, Inc., with a Subsidiary of Great Plains)	
Energy Incorporated and for Other Related Relief.)	

ORDER DIRECTING FILING

Issue Date: April 14, 2008

Effective Date: April 14, 2008

On April 11, 2008,¹ the Staff of the Missouri Public Service Commission filed a Motion to Compel and a Request for Expedited Treatment of its motion. In its motion, Staff alleges that Great Plains Energy, Inc. ("GPE") and Kansas City Power and Light Company ("KCPL") failed to comply with its Data Request No. 394, sent to the GPE/KCPL on April 3. The data request was directed at producing a particular document referred to by Staff as the "Blanc Report."

Also on April 11, GPE/KCPL filed a pleading stating that: "Notwithstanding the fact that the document at a minimum is privileged from disclosure as attorney work product, and substantial portions are privileged attorney-client communications, Great Plains Energy and KCPL have nevertheless provided the document to Staff." Based upon this filing, it would appear that Staff's Motion to Compel is moot. Consequently, the Commission will direct its Staff to file a pleading either stating its withdrawal of its motion and request for expedited

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.

treatment, or stating, with particularity, the reasons why its motion has not been mooted by GPE/KCPL's claim that the data request has been satisfied.

The Commission takes this opportunity to express its appreciation to the parties of all good faith efforts directed at resolving their discovery disputes. Keeping in mind that hearings in this matter are scheduled to begin in one week, the Commission also reminds the parties that: "The discovery process was not designed to be a scorched earth battlefield upon which the rights of the litigants and the efficiency of the justice system should be sacrificed to mindless overzealous representation of plaintiffs and defendants."²

IT IS ORDERED THAT:

1. No later than 12:00 p.m. (noon), on Tuesday, April 15, 2008, the Staff of the Missouri Public Service Commission shall file with the Commission a pleading as directed in the body of this order.

2. This order shall become effective on April 14, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 14th day of April, 2008.

² *State ex rel. Delmar Gardens North Operating, LLC v. Gaertner*, 239 S.W.3d 608, 612 (Mo. banc 2007).