

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
Great Plains Energy Incorporated for	)	
Approval of its Acquisition of	)	<b><u>File No. EM-2017-0226</u></b>
Westar Energy, Inc.	)	

**PUBLIC COUNSEL’S STATEMENT OF POSITIONS**

COMES NOW the Office of the Public Counsel (“Public Counsel” or “OPC”) and for its  
*Statement of Positions* states:

**I.     Should the Commission find that GPE’s acquisition of Westar is not  
detrimental to the public interest, and approve the transaction?**

**OPC Position:**

Without appropriate conditions, the acquisition could be detrimental to Missouri ratepayers. However, the terms of the *Stipulation and Agreement* filed by GPE, KCPL, GMO, and Public Counsel on October 26, 2016 in docket No. EE-2017-0113 contain important conditions and protections for Missouri ratepayers following GPE’s acquisition of Westar, Inc. Public Counsel understands that GPE has also committed to adhere to additional conditions contained in the Surrebuttal testimony of Darrin Ives. Adopting these conditions and protections is necessary to reasonably ensure the transaction is not detrimental to the Missouri public.

**II.    Should the Commission condition its approval of GPE’s acquisition of  
Westar and, if so, how?**

**OPC Position:**

Yes. The Commission should impose the conditions and protections contained in the *Stipulation and Agreement* filed by GPE, KCPL, GMO, and Public Counsel on October 26, 2016 in docket No. EE-2017-0113; the conditions contained in the *Stipulation and Agreement* filed by

GPE, KCPL, GMO, and Staff on October 12, 2016 in docket No. EE-2017-0113; and the additional conditions stated in the Surrebuttal testimony of Darrin Ives filed on March 27, 2017.

**III. Should the Commission address matters such as transmission and power supply services and, if so, how?**

OPC Position:

Public Counsel did not file testimony on this issue and reserves the right to base a final position on the testimony provided at hearing.

**IV. Should the Commission grant the limited request for variance of the affiliate transaction rule requested by GPE, KCP&L and GMO?**

OPC Position:

Yes, the Commission should grant the limited request for variance of the affiliate transaction rule subject to the conditions and protections contained in the *Stipulation and Agreement* filed by GPE, KCPL, GMO, and Public Counsel on October 26, 2016 in docket No. EE-2017-0113 and the conditions contained in the *Stipulation and Agreement* filed by GPE, KCPL, GMO, and Staff on October 12, 2016 in docket No. EE-2017-0113.

**V. Should the Commission condition its approval of GPE's limited request for variance of the affiliate transaction rule requested by GPE, KCP&L and GMO and if so, how?**

OPC Position:

Yes, the Commission should impose the conditions described above.

WHEREFORE Public Counsel submits its *Statement of Positions*.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Tim Opitz**

Tim Opitz

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 30<sup>th</sup> day of March 2017:

**/s/ Tim Opitz**

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