Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. **ER-2009-0090**

FROM: Commissioner Jeff Davis

DATE: February 3, 2009

On February 3, 2009, I asked Wess Henderson to find the answer to two questions regarding Kansas City Power & Light. The questions and responses are in the attached electronic mail message. This case, **ER-2009-0090,** is a contested case. The Commission is bound by its *ex parte* rule, and, I am therefore giving notice to the parties this communication has been received.

Although communications from members of the public and members of the legislature are always welcome, those communications must be made known to all parties to a contested case so that those parties have the opportunity to respond. According to the Commission's rules (4 CSR 240-4.020(8)), when a communication from any person interested in a case (either oral or written) occurs outside the hearing process, any member of the Commission or Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it to each member of the Commission and the parties to the case. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, we submit this report pursuant to the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Commissioners
Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel

Gregory, Sheryl

From: Henderson, Wess
Sent: Tuesday, February 03, 2009 1:46 PM
To: Davis, Jeff
Cc: Gregory, Sheryl
Subject: RE: Quick questions

According to the Surveillance Report, for 2007, KCPL total company ROE was [redacted] its "adjusted" rate was [redacted] and its MO Juris rate was [redacted] This number is confidential. As to actual off-system sales margins for 2007 [redacted]. The total 2007 off-system sales for KCPL including the bulk firm and non-firm was [redacted]. In response to [redacted] the net margin of [redacted] [highly confidential]. This amount included sale transactions that KCPL proposing being treated below the line in this case- what they refer to as non-asset based sale transactions.

From: Davis, Jeff
Sent: Tuesday, February 03, 2009 9:13 AM
To: Henderson, Wess
Cc: Gregory, Sheryl
Subject: Quick questions

Dear Wess,

I have two quick questions I'm hoping you can help me answer:

(1)What was KCP&L's actual return on equity earned in Calendar Year 2007?

(2) What was KCP&L's net off-systems margin for the period of Calendar Year 2007?

If you think these are issues in the rate case, please provide me with this information and I'll file an external communication in the rate case with your response.

Thanks,

JND

NP