

**BEFORE THE PUBLIC SERVICE COMMISSION
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-2007-0291

NOTICE

1. The Public Counsel, Lewis Mills, has served a petition for writ of prohibition with the Western District Court of Appeals seeking to preclude my further participation in a pending rate case, ER-2007-0291. Although my attorneys advise me that the petition is not well-founded, I cannot and will not waste the resources and energy of my fellow Commissioners, the parties to the rate case, or the Court of Appeals in further vindicating my personal position. I will therefore recuse myself from this case.
2. As Public Counsel notes in his petition (Petition, page 20, paragraph 36), the question before the Court would be whether “a reasonable person would have a factual basis to doubt the judge’s impartiality.” [Emphasis supplied.] The evidence taken by the Commission supports the fact that no *ex parte* conversation took place. No evidence suggests otherwise. Even Public Counsel, himself a reasonable person, does not claim that I would be anything but impartial in this proceeding. (Petition, page 24, paragraph 44.)
3. Under Court rules it is unlikely that the prohibition case could be finally resolved before December 31, when the Commission must decide the KCPL rate case.

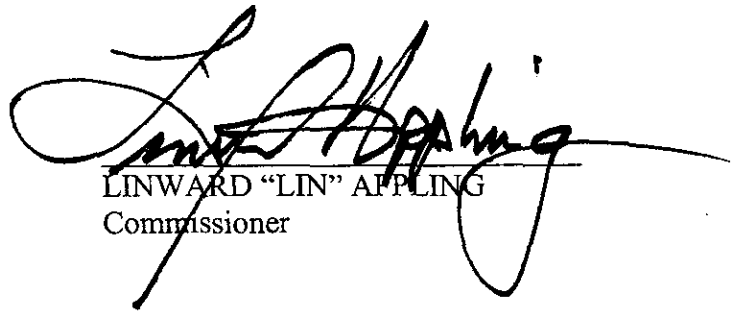
Only my private interest in preserving my good name would be served by

dragging this matter out, at considerable expense to the ratepayers and taxpayers of the state – I will put their interest before my own now, as I have always done in more than forty-six years of public service.

4. Unless required by the rule of necessity, I will not further participate in Case No. ER-2007-0291.

Date:

10/25/07



LINWARD "LIN" APPLING
Commissioner