

**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**

**RESPONSE TO REQUESTS FOR RECUSAL**

On October 5, 2007, Lewis R. Mills, Jr., the Missouri Public Counsel, requested that I recuse myself from further participation in the consideration of the above-styled case in order to avoid the appearance of impropriety. On October 8, Counsel for Praxair, Stuart Conrad, joined him. I have had no *ex parte* conversations, with Chris Giles or anyone else, concerning this case. Because no impropriety has occurred, I will not recuse myself from this case.

On April 13, 2007, together with Warren Wood, PSC utilities division director, and Sheryl Gregory, my administrative assistant, I visited the Iatan generating facility managed by KCPL. The purpose of this visit was to examine the facilities used to serve Missouri consumers, as authorized by section 393.140(3) RSMo.

The recusal request is based on a misunderstanding of a question that I asked of Company witness Chris Giles during the hearing on October 1, 2007. The official hearing transcript records the question as follows:

Q. You and I talked a lot about this when I visited the plant up there three or four months ago. We walked the whole thing, and we talked about a lot of things. What I'm trying to get in my own mind, what did you – what did you find there, you know? Go ahead.

The "this" to which I referred in my question, and about which Mr. Giles and I conversed during my visit to Iatan on April 13, 2007, was *not* KCPL's Rate of Return on

Equity or any other contested substantive issue in this case, but rather the construction of Iatan 2 and the ROE awarded in the 2006 rate case.

I did not file an *ex parte* memo after that visit because no improper discussion occurred.

When this case reconvenes, the Commission will call Mr. Giles, Ms. Gregory and Mr. Wood to the stand for examination as to the nature of the discussions that occurred on April 13, 2007, during my visit to Iatan.

All of us are rightfully concerned with preserving the public's confidence in the transaction of the public's business. I believe that the witnesses' testimony will dispel any doubts that have arisen.

  
LINWARD "LIN" APPLING  
Commissioner

Date: 10/9/07