

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Trigen-Kansas City Energy	)	<u>Case No. HR-2008-0300</u>
Corporation's Tariffs to Increase Rates for	)	Tariff Nos. YH-2008-0553
Customers of its Steam Service	)	and YH-2008-0554

ORDER REGARDING KANSAS CITY POWER AND LIGHT COMPANY'S
MOTION TO COMPEL

Issue Date: May 19, 2008

Effective Date: May 19, 2008

On May 1, 2008,¹ Trigen-Kansas City Energy Corporation ("Trigen") filed a motion requesting the Commission to issue an order restricting access to its highly confidential information more stringently than provided in Commission Rule 4 CSR 240-2.135. That motion was ultimately denied by the Commission. However, when Kansas City Power and Light Company ("KCPL") initially responded to Trigen's motion on May 9, it also filed a motion to compel Trigen to produce certain workpapers that KCPL stated it had requested. Trigen responded to the motion to compel on May 9 stating that it had received no formal data request for the workpapers at issue and that KCPL had ignored Commission Rule 4 CSR 240-2.090(8), which requires a good faith effort by counsel to obtain the workpapers and a discovery conference with the presiding officer prior to filing a motion to compel.

The Commission observes that it has received no request for a discovery conference, and it is unaware of the current status of the motion to compel or if a formal data request has in fact been served on Trigen. If there is no formal data request pending,

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

or if there is no need for a discovery conference, then KCPL shall withdraw its motion to compel no later than May 29. If there is an existing discovery dispute that has not been resolved by good faith efforts of the parties, then the parties shall jointly, and promptly, contact the presiding officer and schedule a discovery conference in compliance with 4 CSR 240-2.090(8). If said discovery conference fails to resolve the dispute, then KCPL may renew its motion to compel and the Commission shall hear any response from Trigen within ten days of renewal of the motion.

IT IS ORDERED THAT:

1. Trigen-Kansas City Energy Corporation and Kansas City Power and Light Company shall comply with the directions delineated in the body of this order.
2. This order shall become effective on May 19, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

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 19th day of May, 2008.