

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

In the Matter of the Application of Kansas)	
City Power and Light Company for)	
Approval to Make Certain Changes in its)	Case No. ER-2006-0314
Charges for Electric Service to Begin the)	
Implementation of Its Regulatory Plan.)	

KCPL’S OPPOSITION TO MOTION

Kansas City Power & Light Company (“KCPL” or “Company”) submits its motion in opposition to the relief requested by W. Bill Dias and/or W. Bill Dias d/b/a 1.Paystation.com (Dias) in its Motion for Leave to Depart from List of Witness (sic) which was filed on October 18, 2006. In support of its motion, KCPL states as follows:

1. The issue identified by Dias presented in the October 6 List of Issues reads as follows “Should KCPL participate in an ‘Energy Conservation Program’ that will provide consultation, weatherization materials and installation? If so, should the cost of the program be underwritten by KCPL and charged to the customer?”¹ That issue is scheduled to be heard before the Commission on October 27.

2. Dias filed a prehearing brief where he disputed the surrebuttal testimony of KCPL witness Susan K. Nathan.

3. Dias now believes that additional cross examination of witnesses besides Ms. Nathan is necessary to “cover the following issues which are strategic to the ‘Energy Conservation Program’: Customer Relations, Payment Plans, Pay Agent/Pay Station Efforts,

¹ The Missouri Department of Natural Resources and the City of Kansas City objected to the inclusion of this issue in the list of issues and asserted that it was not properly before the Commission in this case.

Credit Card Payment status, Credit Agency Reporting.” (Dias Motion for Leave to Depart From List of Witness (sic) at ¶ 2.)

4. Of the five issues which Dias claims are strategic to the Energy Conservation Program, only Customer Relations could reasonably be seen as relating to an Energy Conservation Program. Payment Plans, Pay Agent/Pay Station Efforts, Credit Card Payments and Credit Agency Reporting would appear to have nothing to do with energy conservation programs. As for Customer Relations, Ms. Nathan of KCPL is the proper witness on this issue.

5. The rules cited by Dias in the motion also do not apply to this case. 4 CSR 240-2.130(8) deals with parties not being prevented from addressing matters not previously disclosed which arise for the first time at a hearing. KCPL has not indicated in the hearing that Cory Sullivan and/or Lori Schaffer are the proper individuals to discuss customer relations or KCPL’s community involvement. Rule 4 CSR 240-2.130(14) which permits the presiding officer to require the production of further evidence upon any issue does not apply to the Commission’s authority to request witnesses to appear at a hearing. In addition, Mr. Dias’s motion is untimely since the hearings are well underway, and it would only delay the conclusion of this matter to add additional witnesses at the eleventh hour.

6. Cory Sullivan is no longer a KCPL employee. Should the Commission decide that she should appear at the proceeding, KCPL has no way to ensure her appearance. Lori Shaffer is an employee of KCPL, but she has not filed testimony in this proceeding on any issue. Under Commission rules of practice, the purpose of the evidentiary hearings in this case is to allow for cross-examination of witnesses who pre-filed testimony. It is not intended to allow a party to conduct open-ended inquiries of persons who have not submitted testimony in the proceeding.

7. Dias asserts that the witnesses will provide “direct testimony on KCPL’s outreach to the community that no other KCPL witnesses can provide.” As the Commission is aware, the questions that were directed to Bill Downey related to the KCPL’s community outreach programs have already been addressed by John Marshall on October 17, 2006. In addition, Ms. Nathan will appear on October 27, 2006, and will be subject to cross-examination on her pre-filed testimony in this proceeding. There is no need for additional witnesses.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Commission should deny the motion filed on October 18, 2006, by Mr. Dias in this proceeding.

Respectfully submitted,

/s/ Karl Zobrist

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 20th day of October, 2006, to all counsel of record.

/s/ Karl Zobrist
Attorney for Kansas City Power & Light Co.