BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service.)))	Case No. ER-2012-0174 Tracking No. YE-2012-0404
and		
In the Matter of KCP&L Greater Missouri)	
Operations Company's Request for Authority)	Case No. ER-2012-0175
To Implement a General Rate Increase for)	Tracking No. YE-2012-0405
Electric Service.)	

MOTION FOR FULL COMMISSION RECONSIDERATION OF SEPTEMBER 28, 2012 ORDER DENYING MOTION FOR PROTECTIVE ORDER AND MOTIONS TO OUASH SUBPOENA FOR ATTORNEY CLIENT PRIVILEGED COMMUNICATIONS

Kansas City Power & Light Company ("KCP&L") and KCP&L Greater Missouri Operation Company ("GMO") (sometimes referred to as "the companies") respectfully request reconsideration of the September 28, 2012 Order denying their motion to quash the subpoena duces tecum and notice of records deposition directed to Melissa Hardesty, Senior Director of Taxes for KCP&L, as well as the motion for a protective order.

The companies further request that the full Commission consider this motion, given the important issue presented and the fact that the original order was issued by a regulatory law judge operating under a delegation of authority. *See* § 386.240, RSMo. Authority to handle discovery disputes in this case was delegated under an order dated April 19, 2012. That order presupposes that discovery disputes would be handled in a discovery conference process (rather than through the "golden rule" process in the regulations). The April 19 Order does not specifically authorize the RLJ to rule on a motion to quash a subpoena issued by the Commission's Secretary, as happened here. To be binding on a party, the statute requires that an order of the Commission be expressly authorized or approved. *Id.* At least one Missouri case

has interpreted that statute to require both authorization *and* approval of an order. *State ex rel. Associated Natural Gas Co. v. Public Service Comm'n*, 37 S.W.3d 287, 294-95 (Mo. App. 2000) (Commission has authority to delegate, but an order is only binding with "express authorization and approval" by the Commission itself).

Moreover, the issue presented in this motion is a critical one that impacts the method of practice before the Commission and goes beyond just this one subpoena. The September 28 Order held that the companies waived their privilege objections when one of them objected to DRs but did not serve the objections on counsel within 10 days as required by a procedural order. But the companies did timely object to the *subpoenas* at issue in this motion. The lack of service of objections had to do with data requests (DRs) and not the subpoena. In addition, and perhaps more important, the September 28 Order is contrary to well established jurisprudence of this Commission and Missouri Courts. The September 28 Order holds that the privilege was inadvertently waived when counsel did not serve objections to DRs within 10 days. Under Missouri law, privilege may not be waived in this manner, but may only be knowingly and intentionally waived. Knowing and intentional waiver did not occur here and the Commission should not set precedent that waiver can occur under these circumstances.

The end result of the September 28 Order denying the motion is to abandon the attorney client privilege protections, the protection of attorney-client work product and the legislatively established accountant-client privilege. The companies file this motion in an attempt to better explain the current situation and to implore the Commission not to set such a precedent. This motion is timely filed under 4 CSR 240-2.160. In support of their motion, the companies state:

I. Background.

- 1. In Case ER-2012-0174, PSC Staff issued several data requests ("DR"s) to KCP&L in late May 2012.
- 2. Some of the DRs requested information or documents relating to the Iatan II Advance Coal Tax Credits and KCP&L's decisions with regard to those Credits, including the complex legal issue of tax normalization. Staff did not serve DRs on GMO requesting this information.
- 3. In reviewing the numerous documents that were responsive to the DRs and preparing to respond to the DRs, counsel determined that several of the documents were privileged and these privileges fell into one or more of three categories: (1) attorney-client privileged documents; (2) attorney work product documents; and (3) accountant-client documents.
- 4. In response to DR Nos. 0285, 0286, 0287, 0288, 0289, 0295, 0296, 0301, 0302, 0305, 0306 and 0308, counsel identified responsive, privileged, documents. Counsel provided the following objection: "KCP&L objects to the extent this request seeks attorney-client privileged information, attorney work product information, and or accountant-client privileged information." The responses then either indicated a privilege log was being produced or would be produced in a supplemental response. Where an answer could be made separate from documents, it was made. Non-privileged materials were provided to Staff.¹
- 5. Privilege Logs dated June 22, 2012, June 23, 2012 and on July 20, 2012 were provided to Staff in supplemental responses to the DRs 0285, 0286, 0287, 0288, 0289, 0295, 0296, 0301, 0302, 0305, 0306 and 0308. The Privilege Logs list the applicable privilege(s)

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¹ Responses to DR Nos. 0301, 0302, 0305, 0306 and 0308 were submitted June 25, 2012; Responses to DRs 0285, 0286, 0287, 0288, 0289 and 0296 were submitted July 2, 2012.

asserted by KCP&L for each document identified. They also provide the customary privilege log information concerning the author of the document, the recipient and a description of the communication.

- 6. The Privilege Logs identify approximately 425 documents, approximately 300 of which were identified as attorney client and/ or work product privilege. These documents were never shared outside of KCP&L and its attorneys.
- 7. Discovery conferences were held on June 28, 2012 and July 25, 2012. At these conferences, PSC Staff raised no concerns about KCP&L's objections/assertions of privilege in response to DR Nos. 0285, 0286, 0287, 0288, 0289, 0295, 0296, 0301, 0302, 0305, 0306 and 0308 or to the documents identified in the Privilege Logs.
- 8. A September 6, 2012 discovery conference was scheduled, but parties were ordered to respond if they did have a discovery dispute to be discussed at such a conference (Order Directing Filing, Aug. 30, 2012). No response being filed, including none by Staff, the conference was cancelled on September 5, 2012.
- 9. PSC Staff has *never* filed a motion to compel or other discovery motion as regards the privileges asserted by KCP&L in its responses to DR Nos. 0285, 0286, 0287, 0288, 0289, 0295, 0296, 0299, 0301, 0302, 0305, 0306 and 0308 nor as regards the Privilege Logs. Staff counsel has *never* sought a golden rule communication with counsel about these requests.
- 10. At some point in time, Staff decided to seek the issuance of a subpoena *duces tecum*, which in civil practice is reserved for third party discovery, on Melissa Hardesty, Senior Director of Taxes for KCP&L, whose name appears frequently in the Privilege Logs.
- 11. On September 21, Staff applied for a subpoena and it was issued the same day. The subpoena was issued in *both* the KCP&L case and the GMO case.

- 12. On September 21, 2012, Staff served the Notice and the Subpoena on Ms. Hardesty via e-mail (undersigned counsel Mr. Steiner agreed to accept service for Ms. Hardesty), seeking to take a records deposition of Ms. Hardesty on October 1, 2012, beginning at 9:00 a.m. in Jefferson City. A true and accurate copy of the Subpoena is Attachment A to this Motion.
- 13. The Subpoena and Notice seek two categories of documents: (1) The items specified in "Exhibit A" attached to the Subpoena, which consists solely of the Privilege Logs; and (2) "all documents and materials authored by, given to, or reviewed by Ms. Melissa K. Hardesty regarding the latan 2 Advanced Coal Credits since beginning her employment with Kansas City Power & Light Company in December 2006 if not included among the items specified in Exhibit A."
- 14. On September 27, 2012, KCP&L and GMO both filed timely objections to the Subpoena and Notice pursuant to Missouri Rule of Civil Procedure 57.08(c), 4 CSR 240-2.090 and 4 CSR 240-2.100(5). In the Objections to the subpoena, KCP&L and GMO both asserted that the documents identified in category 1 are confidential under the attorney-client, work-product and accountant-client privileges and incorporated by reference the Privilege Logs as to those documents, and that the documents identified in category 2 have already been produced to Staff, identifying specific DRs in these and previous cases before this Commission.
- 15. Also on September 27, 2012, Movants filed their Motion to Quash Notice of Deposition, to Quash Subpoena *Duces Tecum* and for Protective Order. On September 27, 2012, the Commission issued an Order directing the PSC Staff to file an expedited response. On September 28, 2012, Staff filed its response. Also on September 28, 2012, Movants filed a Response to Staff's filing.

- 16. Also on September 28, 2012, the Commission issued an Order Denying Movants' Motions to Quash and Motion for Protective Order.
- II. The Motions to Quash concern a Subpoena and Notice to Ms. Hardesty; KCP&L and GMO filed timely objections to the Subpoena and no one has asserted that KCP&L or GMO have waived their privileges as regards the Subpoena.

The original order denying the motion to quash relies on a failure to properly serve objections to DRs. This analysis misses the issue, which is whether the companies have properly objected to *subpoenas*. KCP&L and GMO both objected and moved to quash a subpoena issued to Ms. Hardesty. They have not moved for a protective order related to DRs. Nor has staff moved to compel answers to DRs. In previous briefing on the issue, the companies discussed the previous DRs only to demonstrate that Staff was trying to evade the normal DR process by use of a subpoena. But Staff has not chosen to pursue those processes. Instead, Staff issued subpoenas to an individual who is not herself a party to these cases. The issuance of the subpoena triggered a new time period for the filing of objections and the companies timely filed those objections. The fact that previous DRs had been sent to the companies cannot operate as a waiver of objections to the current subpoena. The Civil Rules and this Commission's regulations dictate otherwise. Missouri Rule of Civil Procedure 57.08(c), 4 CSR 240-2.090 and 4 CSR 240-2.100(5).

Staff has made no argument – because there is none – that the companies failed to object to the subpoenas or that the objections to the subpoenas were not properly served. KCP&L has complied in all respects with the Commission's regulations. Accordingly, the companies have without a doubt preserved their privilege assertions as to the documents requested by the

Subpoena and Notice to Ms. Hardesty. Any arguments as to a waiver that are based on the responses to Data Requests are inapplicable to the Subpoena and Notice.

III. To the extent KCP&L's responses to Data Requests are relevant to these Motions, the issue is about waiver of the attorney client privilege, work product privilege and accountant-client privilege, not simply waiver of objections to discovery requests.

There is no dispute that the companies have consistently objected to producing privileged documents and that no such documents have been disclosed outside of KCP&L and the professionals with whom it claims a privilege. All objections based upon attorney-client privilege, accountant-client privilege and attorney work product were included in the responses to the prior Data Requests and re-asserted when the same documents were requested by subpoena to Ms. Hardesty. Each document in the Privilege Logs was properly identified and the specific privileges asserted were listed. Staff has not challenged the sufficiency of the privilege logs. The dispute here is not over whether the objections were made, but over whether the objections were served in compliance with a procedural order. The issue discussed in the September 28 Order is whether there has been a procedural defect in serving objections; there is no analysis of a traditional privilege waiver.

The September 28 Order denying the companies' motions to quash properly points out that an objection to a data request, like any procedural matter, can be waived. The Order cites to waiver of affirmative defenses and waiver of post-conviction relief in criminal cases. There is no citation to any case that addresses discovery objections. More importantly, there is no case cited that addresses waiver of privilege as a result of improperly made objections. To the contrary, failing to make an objection is not a knowing and voluntary waiver of the privilege itself so long as the privilege is asserted prior to disclosure of the information.

IV. Privileges must be voluntary waived; KCP&L and GMO have not waived their privileges.

The Missouri Supreme Court "has spoken clearly of the sanctity of the attorney-client privilege":

As long as our society recognizes that advice as to matters relating to the law should be given by persons trained in the law-that is, by lawyers--anything that materially interferes with that relationship must be restricted or eliminated, and anything that fosters the success of that relationship must be retained and strengthened. The relationship and the continued existence of the giving of legal advice by persons accurately and effectively trained in the law is of greater societal value ... than the admissibility of a given piece of evidence in a particular lawsuit. Contrary to the implied assertions of the evidence authorities, the heavens will not fall if all relevant and competent evidence cannot be admitted.

State ex rel. Peabody Coal Co. v. Clark, 863 S.W.2d 604, 607 (Mo. banc 1993)(quoting State ex rel. Great American Ins. Co. v. Smith, 574 S.W.2d 379, 383 (Mo. banc 1978)). Moreover, "confidentiality is essential if attorney-client relationships are to be fostered and effective." State ex rel. Behrendt v. Neill, 337 S.W.3d 727, 729 (Mo. App. 2011) (citing Great American, 574 S.W.2d at 383–84).

"Although the privilege may be waived, such waiver must be voluntary." *Behrendt*, 337 S.W.3d at 729 (citing *Smith v. Smith*, 839 S.W.2d 382, 385 (Mo. App. 1992). This Commission has recognized that disclosure of information in response to an adverse party's discovery is not normally considered to be voluntary. ² Although the order denying the Motions to quash in this case points out that a prior Commission order on this issue is not binding here, the prior order followed the requirements of Missouri law as interpreted by the Court of Appeals. *State ex rel. Chance v. Sweeney*, 70 S.W.3d 664, 670 (Mo. App. 2002)(case involving the physician-patient privilege).

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² In the Matter of the Application of Kansas City Power and Light Company for Approval to Make Certain Changes in its Charges for Electric Service To Continue the Implementation of Its Regulatory Plan, File No. ER-2009-0089, Order Regarding Staff's Motion to Compel, issued on December 9, 2009, pp. 15-16.

This Commission has also recognized the law is "that the attorney-client privilege belongs to the client," State v. Timmons, 956 S.W.2d 277, 285 (Mo. App. W.D. 1997), and that "a waiver of that privilege 'presupposes both knowledge and acquiescence." Frazier v. Metropolitan Life Ins. Co., 141 S.W. 936, 938 (Mo. App. 1911) (citing Haysler v. Owen, 61 Mo. 270 (1875)).³ Finally, this Commission has recognized that "in order to waive privilege, the waiver must be made knowingly, voluntarily, and the entity waiving privilege must be acquiescing, i.e. not attempting to preserve the privilege."⁴ This Commission's prior decisions followed Missouri's well settled law that privileges may not be waived inadvertently or without full consideration.

The failure to contemporaneously serve Staff counsel was not an intentional, informed waiver of privilege; it was at worst inadvertence and at best a good faith interpretation of the general rule that privilege assertions may be included in responses rather than as separate objections. See 4 CSR 240-2.090(2). The procedural order in this case (requiring objections to be served on the attorneys within a certain time) is an exception to the general rule and practice that privileges may be asserted in the responses. See, Order Regarding Staff's Motion to Compel, Case No. ER-2009-0089, December 9, 2009 (2009 Mo. PSC LEXIS 1284). Although the RLJ was correct in holding that a prior decision of the Commission is not binding here, the prior decision explains why the companies were not engaged in a voluntary waiver. Rather, their counsel was relying on the prior decision in the way he handled assertion of privilege. Such good faith reliance on procedural practice is not – as a matter of law – a knowing and voluntary waiver or privilege by the client. This Commission has found that privilege is not an objection that has to be made in the ten day time period for objections where there are no other objections

³ *Id*. ⁴ *Id*.

(defective inquiry based objections, such as relevance).⁵ The companies reasonably relied on that previous finding.⁶

Consistent with the inapplicability of the ten day limitation, this Commission has determined that the law is that privilege is not waived unless it is made after an answer has already been given. Missouri law is clear in this regard. *Rock v. Keller*, 278 S.W. 759, 766 (Mo. 1926); *Gipson v. Target Stores, Inc.*, 630 S.W.2d 107, 109 (Mo. App. 1981). KCP&L asserted the privileges when the data request responses were made. There was not an assertion of a privilege *after* answers were provided.

The RLJ's original order attempted to distinguish *Rock* and *Gipson*, upon which the Commission previously relied, but there is no reason to conclude the prior orders misstated the law. Those cases articulate the general law on waiver of privilege. The issue is not whether a discovery objection has complied with technical requirements, but whether a knowing and voluntary waiver of privilege has occurred. *Rock* and *Gipson* both stand for the proposition that a privilege need not be asserted until the time for answer has arrived. The companies' assertion of privileges at the time of the response to the data requests is wholly inconsistent with the actions of a party who is "not attempting to preserve the privilege."

V. Prior Commission Rulings must be considered.

While prior Commission rulings are not binding precedent, the ruling cited herein (and in the Response to Staff's filing) was itself citing to case law (as demonstrated by the citations

⁵ *Id.* at 16-18.

⁶ As a practical matter, it is appropriate to allow parties to preserve privilege at the time of answer rather than requiring it be asserted within 10 days in an objection to counsel. PSC cases involve hundreds of DRs. Ten days after a DR is served, a party's counsel may not be able to determine if any privileged documents exist. Requiring an assertion of privilege at that time will lead to an *increase* in the number of privilege objections because counsel's only course will be to object to every DR request *in case* they later find responsive, privileged documents. The better course is that charted by the Commission's prior order. Privilege need not be asserted until it is really at issue, which would be when a responsive document is located and the privilege becomes relevant.

⁷ *Id.*

herein) and was therefore a recognition of the case law that is applicable to these facts -- then as well as now. Additionally, conflicting rulings as to the same Movants on the same issue (timely assertion of a privilege) within a matter of a few years when there has been no change in the corresponding case law is fundamentally unfair. The companies' reliance on previous orders as to handling of privilege cannot lead to a knowing waiver of the privilege.

VI. At the least, case law clearly requires the protection of attorney-client privileged/work product documents.

Even if this Commission were to ignore the statutory protection of account privilege, *see* § 326.322, RSMo, at the very least this Commission should uphold the protections of attorney-client and work product privileges. As previously noted, at least 300 of the documents in the Privilege Logs indicate that it is the attorney-client and work product privileges that are asserted and the Privilege Logs provide no indication whatsoever that the documents were ever shared with anyone outside of KCP&L or its attorneys.

A review of some of the pages from the Privilege Logs is instructive. Exhibit A to the Subpoenas issued in this case (Attachment A to this Motion) is a series of privilege logs where, for a 27 page privilege log contained within, each and every document contains an attorney client or work product objection. A simple review of that log shows that Exhibit A describes numerous communications between attorneys and internal personnel. For example, the first document listed on page 1 of the 27 page log is a communication from KCP&L General Counsel Heather Humphrey to KCP&L regulatory counsel Roger Steiner with a copy to Darrin Ives, KCP&L director of regulatory affairs. Document 2 is a communication from Roger Steiner to Karl Zobrist (outside counsel for KCP&L) and Tim Rush, an internal KCP&L employee. These

communications are black letter examples of attorney-client privileged communications that are so religiously protected by Missouri courts.

As already made clear, the case law as regards waiver of attorney-client privilege is extremely well-established, and the current order which provides one blanket ruling for over 400 different documents to which different privileges are asserted, does not give credence to the protection case law affords the attorney-client privilege. The case law establishes that unintentional waivers are not sufficient to destroy the privilege. Even an inadvertent handing over of the document is not a waiver of the privilege if the privilege was not intentionally waived. *Diehl v. Fred Weber*, 309 S.W.3d 309, 325 (Mo. App. 2010).

Although the Commission should consider all of the privileges established by Missouri law, should the Commission disagree as among the privileges, it should not throw the baby out with the bathwater. If it believes the accountant-client privilege is waivable, it should not be over inclusive in its Order and issue one blanket ruling. The attorney-client privilege should be upheld.

The companies seek reconsideration of the RLJ's finding that by not serving Staff counsel with the assertions of privilege, three different kinds of privilege in over 420 different documents are all waived. The law simply does not support such a ruling. For the foregoing reasons, KCP&L and GMO respectfully request this Commission reconsider the substantive portion of its September 28, 2012 Order regarding privilege waiver (currently denominated "C. Waiver of Objections") and issue a revised order finding that KCP&L and GMO have not waived their assertions of privilege, and retain the substantive portion of its September 28, 2012 Order that Staff did waive any dispute as to the privileged nature of the documents requested by the subpoena that are the privilege logs and therefore grant KCP&L's and GMO's motions by

quashing the Subpoena *duces tecum* and the Notice of Deposition issued by Staff and issuing a protective order as regards the documents listed in the privilege logs.

Respectfully submitted,

/s/ Charles W. Hatfield

Charles W. Hatfield, Mo. Bar No. 40363 Stinson Morrison Hecker LLP 230 W. McCarty Street Jefferson City, MO 65101

Phone: (573) 636-6263 Fax: (573) 636-6231 chatfield@stinson.com

Roger W. Steiner, Mo. Bar No. 39586 Corporate Counsel Kansas City Power & Light Company 1200 Main Street Kansas City, MO 64105 Phone: (816) 556-2314

Fax: (816) 556-2787 roger.steiner@KCPL.com

Attorneys for Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 1st day of October, 2012, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Charles W. Hatfield Attorney

SUBPOENA DUCES TECUM



THE STATE OF MISSOURI to Melissa K. Hardesty, Kansas City Power & Light Company: You are hereby commanded to be and appear personally before The Public Service Commission of the State of Missouri or any Commissioner thereof on the 1st day of October, 2012, at 9 o'clock a.m. of that day, at 200 Madison Street, Jefferson City, in the County of Cole, State of Missouri, to testify on behalf of Staff at a deposition in the matter of In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service, Case No. ER-2012-0174, and In the Matter of KCP&L Greater Missouri Operations Company's Request for Authority to Implement a General Rate Increase for Electric Service, Case No. ER-2012-0175. And that you bring with you and produce at said deposition (1) the items specified in **Exhibit A** which is attached hereto, and (2) all documents and materials authored by, given to, or reviewed by you regarding the Iatan 2 Advanced Coal Credits since beginning your employment with Kansas City Power & Light Company in December 2006 if not included among the items specified in **Exhibit A** attached hereto, and hereof fail not at your peril. The person or officer serving this writ is commanded to have the same at the time and place aforesaid, certifying thereon its return.

Given under my hand, this day of September, 2012.

[Name]

SEED[Title]

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ATTACHMENT A

RETURN

I HEREBY	CERTIFY	that I served th	ne within writ by reading the same in the presen-	ce a	and
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[Name]			[Title]		

Case No. ER-2012-00174 Production of Q0301 to Missouri Public Service Commission

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Page 1 of 3

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Case No. ER-2012-00174 Production of Q0301 to Missouri Public Service Commission

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Email to accountant re: latan 2 Advance Coal Tax Credits	Email	Accountant-Client	N/A	Hardesty, M		06/02/2012
Email to accountant re: latan 2 Advance Coal Tax Credits	Email	Accountant-Client	N/A	Hardesty, M	Montalbano, S	05/28/2012
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Case No. ER-2012-00174 Production of Q0302 to Missouri Public Service Commission

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2 Emails		Email		Email		Email	2 Emails	Email	Email	Email	DESCRIPTION
Emails from accountant re: latan 2 Advance Coal Tax Credits	Advance Coal Tax Credits [NOTE: Original email chain contained attorney-client communication.]	Email from accountant re: latan 2	[NOTE: Original email chain contained attorney-client communication.]	Email from accountant re: latan 2 Advance Coal Tax Credits	[NOTE: Original email chain contained attorney-client communication.]	Email from accountant re: latan 2 Advance Coal Tax Credits	Emails from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	ပ္ပဒ္က	GENERAL DESCRIPTION OF
	Hardesty, M Montaibano, S N/A Accountant-Client 2 Emails	Hardesty, M Montalbano, S N/A Accountant-Client 2 Emails	Hardesty, M Montalbano, S Hriszko, R Accountant-Client Email Attorney-Client Hardesty, M Montalbano, S N/A Accountant-Client 2 Emails	Hardesty, M Montalbano, S Hriszko, R Accountant-Client Email Attorney-Client Attorney-Client Hardesty, M Montalbano, S N/A Accountant-Client 2 Emails	Hardesty, M Montalbano, S N/A Accountant-Client Attorney-Client Hardesty, M Montalbano, S Hriszko, R Accountant-Client Email Attorney-Client Email Attorney-Client Email Attorney-Client Email Attorney-Client 2 Emails	Hardesty, M Montalbano, S N/A Accountant-Client Email Attorney-Client Hardesty, M Montalbano, S Hriszko, R Accountant-Client Attorney-Client Hardesty, M Montalbano, S N/A Accountant-Client Email Attorney-Client Email	Hardesty, M Montalbano, S N/A Accountant-Client Email Attorney-Client Attorney-Client Email	Hardesty, M Montalbano, S Hriszko, R Accountant-Client 2 Emails Hardesty, M Montalbano, S N/A Accountant-Client Attorney-Client Attorney-Clien	Hardesty, M Montalbano, S N/A Accountant-Client Email Hardesty, M Montalbano, S N/A Accountant-Client 2 Emails Hardesty, M Montalbano, S N/A Accountant-Client Email Hardesty, M Montalbano, S N/A Accountant-Client Email Hardesty, M Montalbano, S N/A Accountant-Client Email Attorney-Client Email Attorney-Client Email Attorney-Client Email Attorney-Client Email Attorney-Client Email	Montalbano, S Hriszko, R Hardesty, M Montalbano, S N/A Accountant-Client Email Hardesty, M Montalbano, S N/A Accountant-Client 2 Emails Hardesty, M Montalbano, S N/A Accountant-Client Email Attorney-Client Attorney-Client Attorney-Client Hardesty, M Montalbano, S N/A Accountant-Client Email Attorney-Client	Hriszko, R Montalbano, S Hardesty, M Accountant-Client Email Montalbano, S Hriszko, R Hardesty, M Accountant-Client Email Hardesty, M Montalbano, S N/A Accountant-Client Email Hardesty, M Montalbano, S N/A Accountant-Client Email Hardesty, M Montalbano, S N/A Accountant-Client Attorney-Client Attorney-Client Email Hardesty, M Montalbano, S N/A Accountant-Client Email Attorney-Client Email

Case No. ER-2012-00174

Case No. ER-2012-00174 Production of Q0302 to Missouri Public Service Commission

•			-			
DOC DATE	ТО	FROM	cc	BASIS	DESCRIPTION	GENERAL DESCRIPTION OF
03/08/2011	Hardesty, M	Montalbano, S	N/A	Accountant-Client	Email	Email from accountant re: latan 2 Advance Coal Tax Credits
03/16/2011	Hardesty, M	Montalbano, S	N/A	Accountant-Client	Email	Email from accountant re: latan 2 Advance Coal Tax Credits
03/17/2011	Hardesty, M	Montalbano, S	Hriszko, R	Accountant-Client	2 Emails	Emails from accountant re: latan 2 Advance Coal Tax Credits
03/18/2011	Hardesty, M	Montalbano, S	N/A	Accountant-Client	Email	Email from accountant re: latan 2 Advance Coal Tax Credits
03/22/2011	Hardesty, M	Montalbano, S	Hriszko, R	Accountant-Client	2 Emails	Emails from accountant re: latan 2 Advance Coal Tax Credits
03/23/2011	Hardesty, M	Montalbano, S	Hriszko, R	Accountant-Client	2 Emails	Emails from accountant re: latan 2 Advance Coal Tax Credits
03/24/2011	Hardesty, M	Montalbano, S	Hriszko, R	Accountant-Client	3 Emails	Emails from accountant re: latan 2 Advance Coal Tax Credits
03/25/2011	Hardesty, M	Montalbano, S	Hriszko, R	Accountant-Client	Email	Email from accountant re: latan 2 Advance Coal Tax Credits
03/30/2011	Hardesty, M	Hriszko, R	Montalbano, S	Accountant-Client	Email .	Email from accountant re: latan 2 Advance Coal Tax Credits
04/14/2011	Hardesty, M	Montalbano, S	Hriszko, R	Accountant-Client	Email	Email from accountant re: latan 2 Advance Coal Tax Credits

Page 2 of 3

PRIVILEGE LOG Dated: June 22, 2012

Case No. ER-2012-00174 Production of Q0302 to Missouri Public Service Commission

EXHIBIT A

	12/	12/	11/	DO	
21/2011	20/2011	15/2011	11/28/2011	DOC DATE	
12/21/2011 Hardesty M	12/20/2011 Hardesty, M	12/15/2011 Hardesty, M	Hardesty, M	ТО	
Montolbono 6	Montalbano, S	Montalbano, S	Montalbano, S	FROM	
N1/A	N/A	Hriszko, R	Hriszko, R	CC	
Accountant Client Email	Accountant-Client Email	Accountant-Client Email	Accountant-Client 2 Emails	BASIS	
			•	DESCRIPTION	
	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Emails from accountant re: latan 2 Advance Coal Tax Credits	RIPTION GENERAL DESCRIPTION OF	

Advance Coal Tax Credits

Case No. ER-2012-00174

EXHIBIT A

			,	,		,				
07/16/2010	07/15/2010	07/08/2010	01/04/2010	11/13/2009	10/15/2008	09/10/2008	09/10/2008	08/06/2008	08/06/2008	DOC DATE
Tiwald, R	Tiwald, R	Tiwald, R	Tiward, R	Yankee, D	Tiwald, R	Tiwald, R	Tiwald, R Siner, T	Tiwald, R	Tiwald, R Siner, T	ТО
Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	FROM
Siner, T	N/A	N/A	N/A	N/A	N/A	Siner, T	N/A	N/A	Franco, J	CC
Accountant-Client	Acountant-Client	Accountant-Client	Accountant-Client	. Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	BASIS
Email	Email	3 Emails	Email	Email	Email	Email	Email	Email	2 Emails	DESCRIPTION
Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountant re: latan 2 Advance Coal Tax Credits	3 Emails to accountant re: latan 2 Advance Coal Tax Credits	Email to accountant re: latan 2 Advance Coal Tax Credits	Email to accountant re: latan 2 Advance-Coal Tax Credits	Email to accountant re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountant re: latan 2 Advance Coal Tax Credits	Emails to accountants re: latan 2 Advance Coal Tax Credits	GENERAL DESCRIPTION OF CONTENT

*	05/12/2011	04/27/2011	04/27/2011	04/27/2011	03/24/2011		03/17/2011	03/16/2011	03/08/2011	11/23/2010	DOC DATE
l all Nee, D	Siner, T Tiwald, R	Tiwald, R Siner, T	Tiwald, R	Yankee, D	Tiwald, R	Siner, T	Yankee, D Tiwald, R	Yankee, D Tiwald, R	Tiwald, R	Tiwaid, R	ТО
	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M		Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	FROM
	N/A	N/A	Yankee, D Siner, T	Siner, T Tiwald, R	N/A		N/A	N/A	N/A	N/A ·	CC
	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Attorney Work Product	Accountant-Client Attorney-Client	Accountant-Client	Accountant-Client	Accountant-Client	BASIS
	Email	Email	Email	Email	Email .		Email	Email	Email	Email	DESCRIPTION
	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountant re: latan 2 Advance Coal Tax Credits	[NOTE: Original email chain contained attorney-client communication.]	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountant re: latan 2 Advance Coal Tax Credits	Email to accountant re: latan 2 Advance Coal Tax Credits	GENERAL DESCRIPTION OF CONTENT

09/2	09/1;	09/0	08/2	08/2	07/2	07/1:	06/2	DOC
09/28/2011			08/29/2011	08/25/2011	07/21/2011	07/19/2011	06/20/2011	DOC DATE
Siner, T Tiwald, R Yankee, D	"ם		Siner, T Tiwald, R Yankee, D	Tiwald, R Yankee, D Siner, T	Tiwald, R Yankee, D	Tiwald, R Siner, T Yankee, D	Yankee, D Tiwald, R	ТО
Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	FROM				
NA	. NA	Tiwald, R Vanderpool, T	N/A	Wilcox, G	Siner, T	N/A	Siner, T	00
Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client Attorney-Client	Accountant-Client	Accountant-Client	Accountant-Client	BASIS
Email	Email	Email	Email	Email	Email	Email	Email	DESCRIPTION
Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to attorney and accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	Email to accountants re: latan 2 Advance Coal Tax Credits	GENERAL DESCRIPTION OF CONTENT

EXHIBIT A

DOC DATE	TO	FROM	CC	BASIS	DESCRIPTION	GENERAL DESCRIPTION OF
10/04/2011	Wilcox, G	Hardesty, M	Humphrey, H	Accountant-Client	Email	Email to attorney and accountants
	Yankee, D Tiwald, R		Weisensee, J	Attorney-Client		re: latan 2 Advance Coal Tax Credits
10/06/2011	Tiwald, R	Hardesty, M	A/N	Accountant-Client	Email	Email to accountant re: latan 2 Advance Coal Tax Credits
11/28/2011	Tiwald, R Yankee, D Siner, T	Hardesty, M	N/A	Accountant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits
11/29/2011	Siner, T	Hardesty, M	Yankee, D Tiwald, R	Accountant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits
01/27/2012	Tiwald, R	Hardesty, M	N/A	Accountant-Client	Email	Email to accountant re: latan 2 Advance Coal Tax Credits
03/27/2012	Siner, T	Hardesty, M	N/A	Accountant-Client	Email	Email to accountant re: latan 2 Advance Coal Tax Credits
03/28/2012	Siner, T	Hardesty, M	Yankee, D Tiwald, R	Accountant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits
04/10/2012	Siner, T	Hardesty, M	Yankee, D Tiwald, R	Accountant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits
04/25/2012	Siner, T	Hardesty, M	Tiwald, R Yankee, D	Accountant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits

Case No. ER-2012-00174 Production of Q0305 to Missouri Public Service Commission

DOC DATE	То	FROM	cc	BASIS	DESCRIPTION	GENERAL DESCRIPTION OF
05/01/2012 Siner, T	Siner, T	Hardesty, M	Yankee, D Tiwald, R	Accounant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits
05/24/2012 Siner, T	Siner, T	Hardesty, M	Yankee, D Tiwald, R	Accountant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits
06/12/2012 Tiwald, R	Tiwald, R	Hardesty, M	Yankee, D Siner, T	Accountant-Client	Email	Email to accountants re: latan 2 Advance Coal Tax Credits

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Case No. ER-2012-0174 Production of Q0306 to Missouri Public Service Commission

05/23/2011	05/12/2011	03/09/2011	11/29/2010	10/01/2008	09/10/2008	09/10/2008	08/06/2008	05/16/2008	05/13/2008	DOC DATE
Hardesty, M Tiwald, R Siner, T	Hardesty, M	Hardesty, M	Hardesty, M Vanderpool, T	Hardesty, M	Hardesty, M Siner, T	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	ТО
Yankee, D	Tiwald, R	Tiwald, R	Tiwald, R	Tiwald, R	Tiwald, R	Tīwald, R	Tiwald, R	Tiwald, R	Tiwald, 'R	FROM
N/A	N/A	N/A	Siner, T Yankee, D	Siner, T	N/A	Siner, T	Siner, T	N/A	Siner, T	CC
Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	BASIS
Email	2 Emails	Email	Email	Email	Email .	Email	Email	Email	Email	DESCRIPTION
Email from accountant re: latan 2 Advance Coal Tax Credits	Emails from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	GENERAL DESCRIPTION OF

Page 1 of 4

EXHIBIT A

				,						
	10/06/2011	09/15/2011	09/13/2011	08/25/2011	08/02/2011	017/27/2011	07/19/2011	06/20/2011	06/20/2011	DOC DATE
	Hardesty, M	Hardesty, M	Hardesty, M Yankee, D Siner, T	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Yankee, D Hardesty, M	ТО
	Tiwald, R	Siner, T	Twaid, R	Siner, T	Siner, T	Siner, T	Tiwald, R	Yankee, D	Tiwald, R	FROM
Hoffman, C Koesters, S	Siner, T Yankee, D	Yankee, D Tiwald, R	N/A	N/A	Tiwald, R Yankee, D	Tilwald, R Yankee, D	Yankee, D Siner, T	Siner, T Tiwald, R	Siner, T	CC
A	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	BASIS
-	Email	Email	Email	Email	Email	Email	Email	Email	Email	DESCRIPTION
	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	Email from accountant re: latan 2 Advance Coal Tax Credits	CRIPTION GENERAL DESCRIPTION OF CONTENT

Advance Coal Tax Credits			Siner, T			
Email from accountant re: latan 2	Email	Accountant-Client	Tiwald, R	Yankee, D	Hardesty, M	06/02/2012
Emails from accountant re: latan 2 Advance Coal Tax Credits	5 Emails	Accountant-Client	Yankee, D Tiwald, R	Siner, T	Hardesty, M	05/23/2012
Email from accountant re: latan 2 Advance Coal Tax Credits	Emạil	Accountant-Client	N/A ;	Siner, T	Hardesty, M	05/17/2012
Email from accountant re: latan 2 Advance Coal Tax Credits	Email	Accountant-Client	N/A	Yankee, D	Hardesty, M Siner, T Tiwald, R	05/01/2012
Email from accountant re: latan 2 Advance Coal Tax Credits	Email	Accountant-Client	Yankee, D Tiwald, R	Siner, T	Hardesty, M	05/01/2012
Emails from accountant re: latan 2 Advance Coal Tax Credits	5 Emails	Accountant-Client	Tiwald, R Yankee, D	Siner, T	Hardesty, M	04/25/2012
Email from accountant re: latan 2 Advance Coal Tax Credits	Email	Accountant-Client	N/A	Siner, T	Hardesty, M	03/27/2012
Emails from accountant re: latan 2 Advance Coal Tax Credits	2 Emails	Accountant-Client	Yankee, D Tiwald, R	Siner, T	Hardesty, M	03/27/2012
Email from accountant re: latan 2 Advance Coal Tax Credits	Email	Accountant-Client	N/A	Tiwald, R	Hardesty, M	01/26/2012
Email from accountant re: latan 2 Advance Coal Tax Credits	Email	Accountant-Client	Yankee, D Tiwald, R	Siner, T	Hardesty, M	11/29/2011
GENERAL DESCRIPTION OF	DESCRIPTION	BASIS	CC	FROM	ТО	DOC DATE

Case No. ER-2012-0174 Production of Q0306 to Missouri Public Service Commission

	06/12/2012	00203000	DOC DATE
	Hardesty, M		То
	liwald, R		FROM
Siner, T	Yankee, D		CC
•	Accountant-Client		BASIS
	Email		DESCRIPTION
Advance Coal Tax Credits	Email from accountant re: latan 2	CC - F-2-	GENERAL DESCRIPTION OF

Case No. ER-2012-0174 Production of Q0308 to Missouri Public Service Commission

03/05/2007	03/04/2007	02/26/2007	02/19/2007	01/23/2007	01/16/2007	01/12/2007	01/06/2007	01/05/2007	12/18/2006	DOC DATE
Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Tiwald, R Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	ТО
Warren, J	Warren, J	Warren, J	Warren, J	Yankee, D	Montalbano, S	FROM				
N/A	N/A	N/A	N/A	Shaikh, A	N/A	N/A	N/A	N/A	N/A	CC
Attorney-Client Attorney Work Product	Attorney-Client Attomey Work Product	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	BASIS
4 Emails	4 Emails	Email	4 Emails	Email	Email	Email	Email	Email	Email	DESCRIPTION
Emails from attorney re: tax normalization matters	Emails from attorney re: tax normalization matters	Email from attorney re: tax normalization matters	Emails from attorney re: tax normalization matters	Email from accountant re: tax normalization matters	GENERAL DESCRIPTION OF					

		,								
05/02/2007		04/30/2007	04/30/2007	04/22/2007	04/04/2007	03/16/2007	03/12/2007	03/09/2007	03/05/2007	DOC DATE
Hardesty, M	Hardesty, M	Warren, J	Yankee, D	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	ТО
Warren, J	Souklidis, T Warren, J	Yankee, D	Warren, J	Warren, J	Warren, J	Yankee, D	Warren, J	Warren, J	Yankee, D	FROM
N/A	N/A	Hardesty, M	Hardesty, M	N/A	N/A	N/A	N/A	N/A	N/A	CC
Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Accountant-Client Attorney-Client	Accountant-Client Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Attorney-Client Attorney-Work Product	Accountant-Client	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Accountant-Client	BASIS
2 Emails	Email	Email	2 Emails	Email	Email	Email	Email	Email	Email	DESCRIPTION
Emails from attorney re: tax normalization matters	Email from attorney re: tax normalization matters	Email from accountant to attorney re: tax normalization matters	Emails from attorney re: tax normalization matters	Email from attorney re: tax normalization matters	Email from attorney re: tax normalization matters	Email from accountant re: tax normalization matters	Email from attorney re: tax normalization matters	Email from attorney re: tax normalization matters	Email from accountant re: tax normalization matters	GENERAL DESCRIPTION OF CONTENT

6002/41/11	}	04/05/2008	03/21/2008	10/31/2007	10/05/2007	05/15/2007	05/03/2007	05/02/2007	05/02/2007	DOC DATE
naluesty, IVI	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Hardesty, M	Yankee, D Hardesty, M	Hardesty, M Warren, J	ТО
rankee, D	Yankee, D	Tiwald, R	Tiwald, R	Warren, J	Montalbano, S	Warren, J	Warren, J	Warren, J	Yankee, D	FROM
Wright, L	N/A	Siner, T	Siner, T	N/A	N/A	N/A	N/A	Tiwald, R	Tiwald, R	.00
Accountant-Client	Accountant-Client	Accountant-Client	Accountant-Client	Attorney-Client Attorney Work Product	Accountant-Client	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Accountant-Client Attorney-Client Attorney Work Product	Accountant-Client Attorney-Client	BASIS
Email	Email	Email	Email ·	Email	Email	Email	3 Emails	2 Email	2 Emails	DESCRIPTION
Email from accountant re: tax normalization matters	Email from attorney re: tax normalization matters	Email from accountant re: tax normalization matters	Email from attorney re: tax normalization matters	Emails from attorney re: tax normalization matters	Emails from attorney re: tax normalization matters	Emails from accountant to attorney re: tax normalization matters	GENERAL DESCRIPTION OF			

Case No. ER-2012-0174 Data Requests 0285S-0289S and 0296S July 20, 2012

Attorney-Client 12/13/2011 Attorney Work Product	12/13/2011	Coal Tax Credit		lves Darrin <darrin.lves@kcpl.com>; Hardesty Melissa <mellssa.hardesty@kcpl.com></mellssa.hardesty@kcpl.com></darrin.lves@kcpl.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client 12/7/2011 Attorney Work Product	12/7/2011	Coal Tax Credit		Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client Attorney Work Product Accountant-Client	5/24/2012	· Coal Tax Credit		Vanderpool Troy <troy.vanderpool@kcpl.com></troy.vanderpool@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product Accountant-Client	5/24/2012	Coal Tax Credit	Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com>	lves Darrin <darrin.ives@kcpl.com>; Weisensee John Rush Tim <tim.rush@kcpl.com> < ohn.weisensee</tim.rush@kcpl.com></darrin.ives@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product Accountant-Client	5/23/2012	Coal Tax Credit		Weisensee John <ohn.weisensee@kcpl.com></ohn.weisensee@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product Accountant-Client	5/15/2012	Coal Tax Credit		dyankee@deloitte.com; "Siner, Tiffany (US - Kansas City)" <tlffsiner@deloitte.com></tlffsiner@deloitte.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 1/1 1/2012 Attorney Work Product	1/11/2012	Coal Tax Credit		Humphrey Heather <pre>cheather.humphrey@kcpl.com>; lves Darrin <darrin.ives@kcpl.com>; Rush Tim dim.rush@kcpl.com> rivesld@deb.lite.com></darrin.ives@kcpl.com></pre>	Steiner Roger <roger.steiner@kapl.com></roger.steiner@kapl.com>
Attorney-Client Attorney Work Product	12/27/2011	Coal Tax Credit		Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	Steiner Roger <roger.steiner@kcpl.com> <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></roger.steiner@kcpl.com>
Attorney-Client Attorney Work Product	2/7/2012	Coal Tax Credit	<pre>cheather.humphrey@kcpl.com>; Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com></pre>	Steiner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com>	lves Darrin <darrin.ives@kgpl.com></darrin.ives@kgpl.com>
Attorney-Client Attorney Work Product	2/1/2012	Coal Tax Credit	Himphray Heather	Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	Steiner Roger <roger.steiner@kcpl.com> Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com></roger.steiner@kcpl.com>
Attomey-Client Attorney Work Product	1/31/2012	Coal Tax Credit		"Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com>	Steiner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com>
Attorney-Client 1/30/2012 Attorney Work Product	1/30/2012	Coal Tax Credit	lves Darrin <damin.ives@kcpl.com></damin.ives@kcpl.com>	Steiner Roger roger.steiner@kcpl.com> Rush Tim roger.steiner@kcpl.com>	Humphrey Heather Cheather.humphrey@kcpl.com>
PRIVILEGE CLAIMED	SENTDATE	SUBJECT	. cc	70	AUTHOR

Case No. ER-2012-0174 Data Requests 0285S-0289S and 0296S July 20, 2012

				(A)	<melissa.hardestv@kcpl.com></melissa.hardestv@kcpl.com>
		• .		"Zobrist, Karl"	Hardesty Melissa
			<pre>'Gllbreath, Lisa A,"</pre>		
_			"Davison, Bruce C."		
	•		<azellers@sonnenscheln.com>; Riggins Bill <bill com="" riggins@kcnl="">;</bill></azellers@sonnenscheln.com>		
			"Zellers, Andrew J."	•	
Attorney Work Product	10/30/2009 /	Coal Tax Credit	< gilbreath@sonnenschein.com>	Secretary revisions (Christian	
Attorney-Client			"Gibreath, Lisa A."	Coeraid revealed See 1	<pre><melissa.hardestv@kcnl.com></melissa.hardestv@kcnl.com></pre>
			<azellers@sonnenschein.com>;</azellers@sonnenschein.com>	<pre><kzobrist@sonnenschein.com>;</kzobrist@sonnenschein.com></pre>	Hardestý Melissa
-			"Zellers, Andrew J."	"Zobrist, Karl"	
			Aheather humphrey@kcml come.	•	
10/30/2009 Attorney Work Product	10/30/2009	Coal Tax Credit	<gilbreath@sonnenschein.com></gilbreath@sonnenschein.com>	<gerald.reynolds@kcpl.com></gerald.reynolds@kcpl.com>	<pre><kzobrist@sonnenschein.com></kzobrist@sonnenschein.com></pre>
A #			"Gilbreath, Lisa A."	Reynolds Gerald	"Zobrist, Karl"
			"Zellers, Andrew J."	melices hardesty@keni com	
			<pre><heather.humphrey@kcpl.com>;</heather.humphrey@kcpl.com></pre>		
12/17/2011 Attorney Work Product	12/17/2011	Coal Tax Credit	Himphrey Hosthor	Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	<pre><jonn.weisensee@kcpl.com></jonn.weisensee@kcpl.com></pre>
A #			-	•	Weisensee John
Attorney-Client 12/16/2011 Attorney Work Product	12/16/2011	Coal Tax Credit		Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com>	<pre>riardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></pre>
Attorney Work Product	12/10/2011	Codi Tax Cleuit			
Attorney-Client		Cost Tay Cost!		<pre><melissa.hardesty@kcpl.com>; Steiner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com></melissa.hardesty@kcpl.com></pre>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
				lves Darrin <darrin.lves@kcpl.com>; Hardesty Melissa</darrin.lves@kcpl.com>	*
Attorney-Client Attorney Work Product	12/16/2011	Coal Tax Credit		Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client Attorney Work Product	12/15/2011	Coal Tax Credit		Steiner Roger <roger_steiner@kcpl.com></roger_steiner@kcpl.com>	ves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>
Attorney Work Product	12/15/2011	Coal Tax Credit	-	gwilcox@morganlewis.com	sieauerilumpriey@xcpi.com>
Attornay Client					Humphrey Heather
Attorney-Client	19/15/9011	Coal Tax Credit		<pre>Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></pre>	<pre><gwilcox@morganlewis.com></gwilcox@morganlewis.com></pre>

Case No. ER-2012-0174 Data Requests 0285S-0289S and 0296S July 20, 2012

11/30/2009 Attorney Work Product	11/30/2009	Coal Tax Credit		kzobrist@sonnenschein.com	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
					Hardesty Melissa
Attorney-Client Attorney Work Product		Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client Attomey Work Product	11/30/2009	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client Attorney Work Product	11/30/2009	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client Attorney Work Product	11/30/2009	Coal Tax Credit		"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 11/30/2009 Attorney Work Product	11/30/2009	Coal Tax Credit	"Zellers, Andrew J." <azellers@sonnenschein.com>; "Gilbreath, Llsa A." <lgilbreath@sonnenschein.com></lgilbreath@sonnenschein.com></azellers@sonnenschein.com>	Hardesty Mellssa <melissa.hardesty@kcpl.com>; Riggins Bill <bill.riggins@kcpl.com>; Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></bill.riggins@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client 11/30/2009 Attorney Work Product	11/30/2009	Coal Tax Credit	"Zellers, Andrew J." <azellers@sonnenschein.com></azellers@sonnenschein.com>	"Zobrist, Karl" kzobrist@sonnenschein.com>; Riggins Bill <b href="karker"> Riggins Bill <b href="karker"> humphrey Heather heather.humphrey@kcpl.com> 	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product	11/30/2009	Coal Tax Credit	"Zellers, Andrew J." <azellers@sonnenschein.com></azellers@sonnenschein.com>	Riggins Bill Riggins@kcpl.com>; Hardesty Melissa <melissa.hardesty@kcpl.com>; Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client 11/25/2009 Attorney Work Product	11/25/2009	Coal Tax Credit	"Zellers, Andrew J." <azellers@sonnenschein.com>; Riggins Bill <bill.riggins@kcpl.com>; "Davison, Bruce C." "bdavison@sonnenschein.com>; "Gilbreath, Lisa A." dgilbreath@sonnenschein.com>; Humphrey Heather </bill.riggins@kcpl.com></azellers@sonnenschein.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client Attorney Work Product Accountant-Client	11/14/2009	Coal Tax Credit	"Hermann, Brian (US - Kansas City)" -bhermann@deloitte.com>; Wright Lori <lori.wright@kcpl.com></lori.wright@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Yankee, David J. (US - Chicago)" <dyankee@deloltte.com></dyankee@deloltte.com>

-	in the Eodel Audilley Mois Flooder					
	Attorney-Client	. 11/13/2000	Coal Tax Credit	Wright Lori <lori.wright@kcpt.com>; lyes Darrin <darrin.ives@kcpt.com></darrin.ives@kcpt.com></lori.wright@kcpt.com>	<pre></pre> <pre> </pre> <pre> <pre> </pre> <pre> </pre> <pre> <pre> </pre> <pre> </pre> <pre> <pre> </pre> <pre> <pre> </pre> <pre> <pre> </pre> <pre> <pre> <pre> </pre> <pre> <pre> <pre> </pre> <pre> <pre> </pre> <pre> <pre> </pre> <pre> <pre> </pre> <pre> <pre> <pre> <pre> </pre> <pre> <pre> <pre> <pre> <pre> </pre> <pre> <pre> <pre> <pre> <pre> <pre> <pre> <pre> </pre> <pre> <pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
	Attorney-Client Attorney Work Product Accountant-Client	11/13/2009	Coal Tax Credit		"Yankee, David J. (US - Chicago)" <dyankee@deloitte.com> "Zobrick Kod" "Tobrick Kod"</dyankee@deloitte.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
	Attorney-Client 3/12/2010 Attorney Work Product	3/12/2010	Coal Tax Credit	"Mahinka, Stephen Paul" <smahinka@morganlewis.com></smahinka@morganlewis.com>	Riggins Bill sill sill sill.riggins@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
-	Attorney-Client Attorney Work Product Accountant-Client	3/12/2010	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Wright Lori <lori.wright@kcpl.com></lori.wright@kcpl.com>
	Attorney-Client 3/12/2010 Attorney Work Product	3/12/2010	Coal Tax Credit	Humphrey Heather <heather.humphrey@kcpt.com></heather.humphrey@kcpt.com>	Bassham Terry <erry.bassham@kopl.com>; Wright Lori.lori.wright@kopl.com</erry.bassham@kopl.com>	Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>
	Attorney-Client 2/17/2010 Attorney Work Product	2/17/2010	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	Humphrey Heather <heather.humphrey@kcpt.com></heather.humphrey@kcpt.com>
	Attorney-Client 2/17/2010 Attorney Work Product	2/17/2010	Coal Tax Credit		Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
	Attorney-Client Attorney Work Product	2/16/2010	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	Blanc Curtis <curtis.blanc@kcpl.com></curtis.blanc@kcpl.com>
	Attorney-Client Attorney Work Product	2/16/2010	Coal Tax Credit		Blanc Curtis 	Riggins Bill <bill.riggins@kcpt.com></bill.riggins@kcpt.com>
	Attorney-Client Attorney Work Product	2/16/2010	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	Bianc Curtis Bianc Curtis curtis blanc@kcpl.com
	Attorney-Client 1/30/2009 Attorney Work Product	11/30/2009	Coal Tax Credit	<azeilers@sonnenschein.com>; "Gilbreath, Lisa A." <gilbreath@sonnenschein.com></gilbreath@sonnenschein.com></azeilers@sonnenschein.com>	Humphrey Heather heather.humphrey@kopl.com	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
	_			"Davison, Bruce C." *bdavison@sonnenschein.com>; "Zellers, Andrew J."	Riggins Bill kcpl.com ; Hardesty Mellssa	
Ε	Attorney-Client	11/30/2009	Coal Tax Credit		Hardesty Melissa 'melissa.hardesty@kcpl.com' .	"Zobrist, Karl" <kzobrist@sonnenschein,com></kzobrist@sonnenschein,com>
(

Attorney-Client 3/1/2010 Attorney Work Product	3/1/20	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	Humphrey Heather https://www.neather.humphrey@kcpl.com
	3/1/2010	Coal Tax Credit		Humphrey Heather. <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>
Attorney-Client	3/1/2010	Coal Tax Credit	Riggins Bill bill.riggins@kcpl.com>; "Matthews, Mark E." <mark.matthews@morganlewis.com></mark.matthews@morganlewis.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client OB Attorney Work Product	11/18/2009	Coal Tax Credit	azellers@sonnenschein.com; Reynolds Gerald <gerald.reynolds@kcpl.com></gerald.reynolds@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com>; kzobrist@sonnenschein.com; Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></melissa.hardesty@kcpl.com>	Riggins Bill sill.riggins@kapl.com>
Attorney-Client 11/18/2009 Attorney Work Product	11/18/20	Coal Tax Credit	azellers@sonnenschein.com; Reynolds Gerald <gerald.reynolds@kopl.com></gerald.reynolds@kopl.com>	kzobrist@sonnenschein.com; Riggins Bill <bill.riggins@kcpl.com>; Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></bill.riggins@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 009 Attorney Work Product	11/18/2009	Coal Tax Credit		"Zobrist, Kart" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>	Reynolds Gerald <gerald_reynolds@kcpl.com></gerald_reynolds@kcpl.com>
Attorney-Client Attorney Work Product	11/16/2009	Coal Tax Credit	"Herrmann, Brian (US - Kansas City)" - Cherrmann@deloltte.com>; Wright - Lori < lori.wright@kcpl.com>	"Yankee, David J. (US - Chicago)" <dyankee@deloitte.com></dyankee@deloitte.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product D9 Accountant-Client	11/14/2009	Coal Tax Credit	"Herrmann, Brian (US - Kansas City)" <bherrmann@deloitte.com>; Wright Lort <lort.wright@kcpl.com></lort.wright@kcpl.com></bherrmann@deloitte.com>	Hardesty Mellssa <mellssa.hardesty@kcpl.com></mellssa.hardesty@kcpl.com>	"Yankee, David J. (US - Chicago)" -dyankee@deloitte.com>
Attorney-Client Attorney Work Product Accountant-Client	11/13/2009	Coal Tax Credit	"Herrmann, Brian (US - Kansas City)" therrmann@deloltte.com>; Wright	dyankee@deloitte.com	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product	11/13/2009	Coal Tax Credit	Humphrey Heather -heather.humphrey@kcpl.com>; Reynolds Gerald -gerald.reynolds@kcpl.com>; "Davison, Bruce C." -bavison@sonnenscheln.com>; Wright Lori <tori.wright@kcpl.com>; Ives Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com></tori.wright@kcpl.com>	"Zellers, Andrew J." <azellers@sonnenschein.com>; "Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com></azellers@sonnenschein.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>

Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." Sqwilcox@morganlewis.com>	Riggins Bill *Natthews, Mark E." *mark.matthews@morganlewis.com >		Attomey-Client
Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Zobrist, Karl" <a href="mailto:karl" kar<="" karl"="" td=""><td></td><td>Coal Tay Cradit</td><td>Attorney-Client</td>		Coal Tay Cradit	Attorney-Client
"Zobrist, Kari" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>	Humphrey Heather Cheather.humphrey@kcpl.com>		Coal Tax Credit	3/4/2010 Attorney Work Product Attorney-Client 3/4/2010 Attorney Work Product
"Wilcox, Gary B," <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Humphrey Heather	"Matthews, Mark E." <mark.matthews@morganlewis.com ></mark.matthews@morganlewis.com 	Coal Tay Coads	Attorney-Client
Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	gwilcox@morganlewis.com; Humphrey Heather heather.humphrey@kcpl.com	mark.matthews@morganlewis.com	Coal Tax Credit	3/11/2010 Attorney Work Product Attorney-Client Attorney-Work Product
"Wilcox, Gary B." <gwilcox@morganiewis.com></gwilcox@morganiewis.com>	Riggins Bill <bill.riggins@kcpl.com>; Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></bill.riggins@kcpl.com>	"Matthews, Mark E," <mark.matthews@morganlewis.com></mark.matthews@morganlewis.com>		Attorney-Client
Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	gwilcox@morganlewis.com		Coal Tay Cradit	Attorney-Client
"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Riggins Bill kcpl.com		Coal Tax Credit	3/11/2010 Attorney Work Product Attorney-Client 3/11/2010 Attorney Work Product
Riggins Bill <bill.riggins@kcpt.com></bill.riggins@kcpt.com>	gwilcox@morganlewis.com		Coal Tax Credit	Attorney-Client 3/11/2010 Attorney Work Product
Humphrey Heather	Riggins Bill sill sill <a href="</td"><td></td><td>Coal Tax Credit</td><td>Attorney-Client 3/11/2010 Attorney Work Product</td>		Coal Tax Credit	Attorney-Client 3/11/2010 Attorney Work Product
Hardesty Melissa <melissa.hardesty@kcpt.com></melissa.hardesty@kcpt.com>	Wright Lori <lori.wright@kcpl.com></lori.wright@kcpl.com>		Coal Tax Credit	Attorney-Client 1/13/2010 Attorney Work Product
	"Zobrist, Karl" kzobrist@sonnenschein.com>; Schatz Victoria vvictoria.schatz@kcpl.com>; Rush Tm <tim.rush@kcpl.com>; Giles Chris <chris.giles@kcpl.com>;</chris.giles@kcpl.com></tim.rush@kcpl.com>			
Blanc Curtis <curtis.blanc@kcpl.com></curtis.blanc@kcpl.com>	Riggins Bill bill bill.riggins@kcpl.com		Coal Tax Credit	Attorney-Client

Attorney-Client 1/27/2010 Attorney Work Product		Coal Tax Credit	V	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
			(kzobrist@sonnenschein.com)" <kzobrist@sonnenschein.com>; "Matthews, Mark E." <mark.matthews@morganlewis.com< mark.matthews@morganlewis.com<="" td=""><td>Hardesty Melissa</td></mark.matthews@morganlewis.com<></kzobrist@sonnenschein.com>	Hardesty Melissa
			<pre><heather.humphrey@kcpl.com>; Bassham Terry derry.bassham@kcpl.com>; Wright Lori <lori.wright@kcpl.com>; "Karl Zobrist</lori.wright@kcpl.com></heather.humphrey@kcpl.com></pre>	
			"Wilcox, Gary B." <gwilcox@morganlewis.com>; Riggins Bill <bli>dbill.riggins@kcpl.com>; Humphrey Heather</bli></gwilcox@morganlewis.com>	
1/27/2010 Attorney Work Product		Coal Tax Credit		
Attorney-Client	,	i i	<pre><kzobrist@sonnenschein.com>; "Matthews, Mark E." <mark.matthews@morganlewis.com></mark.matthews@morganlewis.com></kzobrist@sonnenschein.com></pre>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
			\con_\con_\con_\con_\con_\con_\con_\con_	
			<pre>cheather.humphrey@kopl.com>; Bassham Terry Charty hassham@kopl.com>;</pre>	
			Hardesty Mellssa <melissa.hardesty@kcpl.com>; Riggins Bill Humpboy Harthar</melissa.hardesty@kcpl.com>	
1/15/2010 Attorney Work Product		Coal Lax Credit		٠
		Coal Tax Crodit	<pre><kzobrist@sonnenscheln.com>; Schatz Victoria <victoria.schatz@kcpl.com>; Rush Tim <tim.rush@kcpl.com>; Rigglns Bill <bill.rigglns@kcpl.com></bill.rigglns@kcpl.com></tim.rush@kcpl.com></victoria.schatz@kcpl.com></kzobrist@sonnenscheln.com></pre>	Blanc Curtis <curtis.blanc@kcpl.com></curtis.blanc@kcpl.com>
			Giles Chris <chris.giles@kcpl.com>; "Zobrist, Karl"</chris.giles@kcpl.com>	
Attorney-Client		Coal Tax Credit	Blanc Curtis <pre>ccurtls.blanc@kcpl.com>; Schatz Victoria <victoria.schatz@kcpl.com>; Rush Tim <tim.rush@kcpl.com>; Giles Chris <chris.giles@kcpl.com>; Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com></chris.giles@kcpl.com></tim.rush@kcpl.com></victoria.schatz@kcpl.com></pre>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
			•	•

Attorney-Client 1/27/2010 Attorney Work Product	1/27/2010	Coal Tax Credit	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client 1/27/2010 Attorney Work Product	1/27/201	Coal Tax Credit	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Wright Lori <ori.wright@kcpl.com></ori.wright@kcpl.com>
Attorney-Client 1/27/2010 Attorney Work Product	1/27/201	Coal Tax Credit	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 1/27/2010 Attorney Work Product	1/27/201	Coal Tax Credit	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client 1/27/2010 Attorney Work Product	1/27/201	Coal Tax Credit	cassnam rerry terry.bassham@kcpl.com>; Wright Lori <lori.wright@kcpl.com>; mark.matthews@morganlewis.com</lori.wright@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
			Riggins Bill klardesty Melissa kmelissa.hardesty@kcpl.com">kmelissa.hardesty@kcpl.com ; gwilcox@morganlewis.com; Humphrey Heather kepl.com ; kmphrey@kcpl.com ;	,
Attorney-Client O Attorney Work Product	1/27/2010	Coal Tax Credit	 <a href="</td"><td><melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></td>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 1/27/2010 Attorney Work Product	1/27/201	Coal Tax Credit	mark.matthews@morganlewis.com	Riggins Bill <bill.riggins@kcpt.com> Hardestv Melissa</bill.riggins@kcpt.com>
			Hardesty Melissa 'melissa.hardesty@kcpl.com>; gwilcox@morganlewis.com; Humphrey Heather 'heather.humphrey@kcpl.com>; Bassham Terry 'terry.bassham@kcpl.com>; Wright Lori <lori.wright@kcpl.com>; kzobrist@sonnenschein.com;</lori.wright@kcpl.com>	
Attorney-Client Attorney Work Product Accountant-Client.	1/27/2010	Coal Tax Credit	Wright Lori <lorl.wright@kcpl.com></lorl.wright@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>

Attorney-Cilent 2/2/2010 Attorney Work Product Attorney Work Product 2/2/2010 Attorney Work Product Attorney Work Product 2/2/2010 Attorney Work Product Attorney Work Product Attorney Work Product	Coal Tax Credit Coal Tax Credit		<pre><curtis.blanc@kcpl.com>;</curtis.blanc@kcpl.com></pre>	Discipa Bill (Fill Spains)
Attorney-Client 2/2/2010 Attorney Work Product Attorney-Client 2/2/2010 Attorney Work Product Attorney-Client Attorney-Client	Coal Tax Credit Coal Tax Credit		Daliculas	
Attorney-Client Attorney Work Product Attorney-Client 2/2/2010 Attorney Work Product Attorney Work Product Attorney Work Product	Coal Tax Credit	-	Wright Lorl <orl.wright@kcpl.com></orl.wright@kcpl.com>	<pre><melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></pre>
Attorney-Client 2/2/2010 Attorney Work Product Attorney-Client 2/2/2010 Attorney Work Product			vilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Cilent 2/2/2010 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	<pre><qwlicox, <qwlicox@morganlewis.com="" b.*="" gary=""> Hardesty Melisco</qwlicox,></pre>
			Riggins Bill <bill.riggins@kcpl.com>; "Zobrlst, Karl" kzobrist@sonnenschein.com</bill.riggins@kcpl.com>	Blanc Curtis < curtis blanc@kcpl.com>
Attorney-Client 1/28/2010 Attorney Work Product	Coal Tax Credit	Humphrey Heather <heather.humphrey@kcpl.com>; Wright Lori <lori.wright@kcpl.com></lori.wright@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney Work Product	Coal Tax Credit		"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client	Coal Tax Credit	<pre></pre>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
. Attorney-Client Attorney Work Product 1/28/2010 Accountant-Client	Coal Tax Credit	Ives Darrin <darrin.ives@kcpl.com>; Blanc Curtis <curtls.blanc@kcpl.com> Humnhrev Heather</curtls.blanc@kcpl.com></darrin.ives@kcpl.com>	Wright Lori <ort.wright@kcpl.com></ort.wright@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 1/28/2010 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client	Coal Tax Credit		kzobrist@sonnenscheln.com; Rlggins Bill <bli>bill.riggins@kcpl.com>; Hardesty Melissa <mellssa.hardesty@kcpl.com>; gwilcox@morganlewis.com; Humphrey Heather <heather.humphrey@kcpl.com>; Bassham Terry <terry.bassham@kcpl.com>; mark.matthews@morganlewis.com</terry.bassham@kcpl.com></heather.humphrey@kcpl.com></mellssa.hardesty@kcpl.com></bli>	Wright Lori <lori,wright@kcpl.com></lori,wright@kcpl.com>

2/4/2010 Attorney Work Product	2/4/2010	Coal Tax Credit		<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	<gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Afterney-Client			,	Hardesty Melissa	wilcox, Gary b.
•	•			kzobrist@sonnenschein.com;	William Care Br
•				<pre><heather.humphrey@kcpl.com>;</heather.humphrey@kcpl.com></pre>	
Attorney Work Product	2/4/2010	Coal Tax Credit		Himphrey Heather	
Attomey-Cllent				Hardesty Melissa	Humphrey Heather <heather.humphrey@kcol.com></heather.humphrey@kcol.com>
2/4/2010 Attorney Work Product	2/4/2010	Coal Tax Credit		- reagie i lulipilley@xcpi.com>	(Control of Control of
Attorney-Client				Humphrey Heather	Hardesty Melissa
2/4/2010 Attorney Work Product	2/4/2010	Coal Tax Credit		<gwilcox@morganlewis.com></gwilcox@morganlewis.com>	ricauler i Milipilie y@kcpl.com>
Attorney-Client			٠	"Wilcox, Gary B."	heather humahrasal and
			•	<pre><melissa.hardesty@kcpl.com>;</melissa.hardesty@kcpl.com></pre>	•
			•	Kzoorisi@sonnenschein.com>; Hardesty Melissa	
The state of the s				"Zobrist, Karl"	
Attorney-Client	2/4/2010	Coal Tax Credit	<pre>cheather.humphrey@kcpl.com></pre>	<gwilcox@morganlewis.com></gwilcox@morganlewis.com>	<pre><kzobrist@sonnenschein.com></kzobrist@sonnenschein.com></pre>
				<pre><melissa.hardesty@kcpl.com>; "writery Canaba"</melissa.hardesty@kcpl.com></pre>	"Zobrist, Kari"
Auditiey Work Product	274/2010	Con tax Cicon	-	Hardesty Melissa	
Attorney-Client	3773040	Coal Tay Credit		<pre><kzobrist@sonnenschein.com></kzobrist@sonnenschein.com></pre>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
W.F				<pre><gwilcox@morganlewis.com>; "Zobrist Karl"</gwilcox@morganlewis.com></pre>	Hardesty Melissa
Zimizo to Attolliey Wolk Floudos	010274.77	The second second		"Wilcox, Gary B."	
Attorney-Client	2/4/2010	Coal Tax Credit		"Wilcox, Gary B." gwilcox@morganlewis.com	Humphrey Heather <heather.humphrey@kopl.com></heather.humphrey@kopl.com>
Attorney-Client Attorney Work Product	2/3/2010	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	heather.humphrey@kcpl.com
					Humphrey Heather
Attorney-Client	2/3/2010	Coal Tax Credit		Humphrey Heather heather.humphrey@kcpl.com	Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>
Attorney-Client 2/2/2010 Attorney Work Product	2/2/2010	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	Blanc Curtis <curtis.blanc@kcpl.com></curtis.blanc@kcpl.com>
Attorney Work Product	2/2/2010	Coal Tax Credit		Wright Lori <orl.wright@kcpl.com></orl.wright@kcpl.com>	Blanc Curtis <curtis.blanc@kcpl.com></curtis.blanc@kcpl.com>
· Aller Vivola I looded	1,010				
Attorney-Client	200000	Coal Tax Credit	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Blanc Curtis <curtis.blanc@kcpl.com></curtis.blanc@kcpl.com>	Wright Lori <ori.wright@kcpl.com></ori.wright@kcpl.com>
Attorney-Client 2/2/2010 Attorney Work Product	2/2/2010	Coal Tax Credit		<pre>curtis.blanc@kcpl.com>; Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com></pre>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
			American	Blanc Cirtis	

4/29/2010 Attorney Work Product	Coal Lax Credit			
Attorney-Client			Humphrey Heather	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client 4/28/2010 Attorney Work Product	Coal Tax Credit		"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Humphrey Heather <heather.humphrey@kcpt.com></heather.humphrey@kcpt.com>
Attomey-Client 4/28/2010 Attorney Work Product	Coal Tax Credit		Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." sqwilcox@morganlewis.com
Attorney-Client 4/28/2010 Attorney Work Product	Coal Tax Credit		Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." sqwilcox@morganlewis.com sqwilcox@morganlewis.com
Attorney-Client 4/28/2010 Attorney Work Product	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	heather.humphrey@kcpl.com
Attorney-Client 4/28/2010 Attorney Work Product	Coal Tax Credit		Humphrey Heather heather.humphrey@kopl.com	"Wilcox, Gary B." <pwilcox@morganlewis.com> Limphor Light</pwilcox@morganlewis.com>
Attorney-Client 9/14/2010 Attorney-Work Product	Coal Tax Credit		Laidacker Teresa <teresa.laidacker@kcpl.com></teresa.laidacker@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganiewis.com></gwilcox@morganiewis.com>
Attorney-Client 9/10/2010 Attorney Work Product	Coal Tax Credit		Schatz Victoria <victoria.schatz@kcpl.com></victoria.schatz@kcpl.com>	Riggins Bill "> Riggins Bill Riggins @kcpl.com
Attorney-Client ' 9/10/2010 Attorney Work Product	Coal Tax Credit	"Gilbreath, Llsa A." - <lgilbreath@sonnenschein.com></lgilbreath@sonnenschein.com>	<pre><melissa.hardesty@kcpl.com>; Laidacker Teresa <teresa.laidacker@kcpl.com></teresa.laidacker@kcpl.com></melissa.hardesty@kcpl.com></pre>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
Attorney-Client 2/5/2010 Attorney Work Product	Coal Tax Credit		Humphrey Heather heather.humphrey@kcpl.com/ Hardesty Melissa	<pre>cmelissa.hardesty@kcpl.com></pre>
Attorney-Client 2/5/2010 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Humphrey Heather heather.humphrey@kcpl.com
Attorney-Client 2/5/2010 Attorney Work Product	Coal Tax Credit		Humphrey Heather <heather.humphrey@kopl.com></heather.humphrey@kopl.com>	Hardesty Melissa melissa.hardesty@kcpl.com
Attorney-Client 2/5/2010 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpt.com></melissa.hardesty@kcpt.com>	Humphrey Heather heather.humphrey@kcpl.com
Attorney-Client 2/5/2010 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>
			Humphrey Heather https://www.neather.humphrey@kcpl.com	-
E			"Wilcox, Gary B." <gwilcox@morganlewis.com>;</gwilcox@morganlewis.com>	

Attorney-Client	2/21/201	Coal Tax Credit	,	"Zobrist, Karl" Name	"Zobrist, Karl" Steiner Roger <roger.steiner@kcpl.com> <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com></roger.steiner@kcpl.com>
	12/5/2011	Coal Tax Credit	The state of the s	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client 11 Attorney Work Product	12/5/2011	Coal Tax Credit	-	Humphrey Heather heather.humphrey@kcpl.com	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client O Attorney Work Product	4/23/2010	Coal Tax Credit	Riggins Bill kcpl.com	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client 4/23/2010 Attorney Work Product	4/23/201	Coal Tax Credit		Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client 4/13/2010 Attorney Work Product	4/13/201	Coal Tax Credit	Wright Lort <ort.wright@kcpl.com>; Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com></ort.wright@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client Attorney Work Product	4/30/2010	Coal Tax Credit		Howell Tess <tess.howell@kcpl.com></tess.howell@kcpl.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client Attorney Work Product	4/29/201	Coal Tax Credit	Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	Humphrey Heather <pre><heather.humphrey@kcpl.com>; Bassham Terry <pre><terry.bassham@kcpl.com>; Wright Lori <lori.wright@kcpl.com></lori.wright@kcpl.com></terry.bassham@kcpl.com></pre></heather.humphrey@kcpl.com></pre>	Hardesty Melissa <melissa.hardesty@kopl.com></melissa.hardesty@kopl.com>
Attorney-Client 4/29/2010 Attorney Work Product	4/29/201	Coal Tax Credit		"Wilcox, Gary B." <gwilcox,@morganlewis.com></gwilcox,@morganlewis.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client O Attorney Work Product	4/29/2010	Coal Tax Credit		Ives Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 4/29/2010 Attorney Work Product	4/29/201	Coal Tax Credit		lves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>	Hardesty Melissa <mellssa.hardesty@kcpl.com></mellssa.hardesty@kcpl.com>
Attorney-Client 4/29/2010 Attorney Work Product	4/29/201	Coal Tax Credit	Riggins Bill kcpl.com ; Humphrey Heather heather.humphrey@kcpl.com	Bassham Terry terry.bassham@kcpl.com ; Wright Lori <lori.wright@kcpl.com< a="">; Hardesty Melissa amelissa.hardesty@kcpl.com</lori.wright@kcpl.com<>	Humphrey Heather -theather.humphrey@kcpl.com>
Attorney-Client	4/29/2010	Coal Tax Credit	Riggins Bill <bill.riggins@kcpt.com></bill.riggins@kcpt.com>	Bassham Terry terry.bassham@kcpl.com ; Wright Lort <lori.wright@kcpl.com< a="">; Hardesty Melissa terry@kcpl.com</lori.wright@kcpl.com<>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>

"Cunningham, Susan B." Attorney-Client	"Zobrist, Karl"	Coal Tax Credit	Attorney-Client 3/8/2011 Attorney Work Product		
"Cunningham, Susan B." 2/25/2011 "Susan.cunningham@smrdenton.co Coal Tax Credit 2/25/2011 "Cunningham, Susan B." 2/25/2011 2/25/2011 "Cunningham, Susan B." 2/25/2011 2/25/2011 Steiner Roger Coal Tax Credit 3/8/2011 Steiner Roger Coal Tax Credit 3/8/2011 Damin <darrin.lves@kcpl.com> Coal Tax Credit 3/8/2011 Steiner Roger Coal Tax Credit 3/9/2011 Steiner Roger Coal Tax Credit 3/9/2011 **Coal Tax Credit 3/9/2011 Coal Tax Credit 3/9/2011 Coal Tax Credit 3/8/2011 Coal Tax Credit 3/8/2011</darrin.lves@kcpl.com>	"Zobrist, Kari" Hardesty Melissa keiner koger keiner koger keiner koger kcpl.com Rush Tim kcpl.com Steiner Roger Steiner Roger	Coal Tax Credit			
"Cunningham, Susan B." Coal Tax Credit 2/25/2011 "Cunningham, Susan B." 2/25/2011 2/25/2011 Steiner Roger Coal Tax Credit 3/8/2011 Coal Tax Credit 3/9/2011 3/9/2011 Steiner Roger Coal Tax Credit 3/9/2011 Coal Tax Credit 3/9/2011 3/9/2011 Coal Tax Credit 3/9/2011 3/9/2011	"Zobrist, Karl" Hardesty Melissa karlzobrist@snrdenton.com karlzobrist@snrdenton.com	Coal Tax Credit			
"Cunningham, Susan B." -susan.cunningham@snrdenton.co m> "Cunningham, Susan B." -susan.cunningham@snrdenton.co m> -susan.cunningham@snrdenton.co m> -susan.cunningham@snrdenton.co coal Tax Credit Steiner Roger -roger.steiner@kcpl.com>; Ives Damin -damin.lves@kcpl.com> -coal Tax Credit -coal Tax Credit Steiner Roger -roger.steiner@kcpl.com> -coal Tax Credit	<pre>"Zobrist, Karl" </pre> Croger: ste in weg	Coal Tax Credit			
"Cunningham, Susan B." -susan.cunningham@snrdenton.co m> "Cunningham, Susan B." -susan.cunningham@snrdenton.co m> "Steiner Roger -susan.cunningham@snrdenton.co m> Steiner Roger -susan.cunningham@snrdenton.co Coal Tax Credit 2 Coal Tax Credit Coal Tax Credit Steiner Roger -steiner@kcpl.com> Coal Tax Credit Coal Tax Credit Steiner Roger -steiner@kcpl.com> Coal Tax Credit Coal Tax Credit Coal Tax Credit	"Zobrist, Karl" Steiner Roger <a -susan.cunningham@snrdenton.co="" b."="" cunningham,="" href="mailto:karl.zobrist@snrdent</td><td>Coal Tax Credit</td><td></td></tr><tr><td>" m="" susan=""> "Cunningham, Susan B." -susan.cunningham@snrdenton.co m> Steiner Roger -roger.steiner@kcpl.com>; Rush Tim <tim.rush@kcpl.com> Darrin <darrin.lves@kcpl.com> Coal Tax Credit Coal Tax Credit Coal Tax Credit Coal Tax Credit Coal Tax Credit</darrin.lves@kcpl.com></tim.rush@kcpl.com>	"Zobrist, Karl" Humphrey Heather Steiner Roger <a -susan.cunningham@snrdenton.co="" b."="" cunningham,="" href="mailto:kar</td><td>Coal Tax Credit</td><td>Attorney-Client
3/9/2011 Attorney Work Product</td></tr><tr><td>" m="" susan=""> "Cunningham, Susan B." -susan.cunningham@snrdenton.co m> Steiner Roger -steiner@kcpl.com>; Rush Tim <tim.rush@kcpl.com>; lves Darrin <darrin.lves@kcpl.com> Coal Tax Credit Coal Tax Credit Coal Tax Credit Coal Tax Credit</darrin.lves@kcpl.com></tim.rush@kcpl.com>	Hardesty Melissa "Zobrist, Karl" <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Coal Tax Credit	Attorney-Client 3/9/2011 Attorney Work Product
"Cunningham, Susan B." -susan.cunningham@snrdenton.co	Hardesty Melissa "Zobrist, Karl" - (karl.zobrist@snrdenton.com>	Coal Tax Credit	Attorney-Client 3/8/2011 Attorney Work Product		
"Cunningham, Susan B." -susan.cunningham@snrdenton.co	Hardesty Melissa "Zobrist, Karl" <melissa.hardesty@kcpl.com> <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com></melissa.hardesty@kcpl.com>	Coal Tax Credit	Attorney-Client 3/8/2011 Attorney Work Product		
"Cunningham, Susan B." <pre></pre>	Hardesty Melissa "Zobrist, Karl" Tim <tiru.rush@kcpl.com>; Rush </tiru.rush@kcpl.com>	Coal Tax Credit	Attorney-Client 3/8/2011 Attorney Work Product		
"Cunningham, Susan B." <pre></pre>	Hardesty Melissa <pre> <pre></pre></pre>	Coal Tax Credit	Attorney-Client 2/25/2011 Attomey Work Product		
	rdenton.com>; copl.com>; Rush		Attorney-Client 2/25/2011 Attorney Work Product		

S/O/2011 Attorney Work Product	Coal tax Clear		
Attomey-Client		"Zobrist, Karl" karl.zobrist@snrdenton.com ; Rush Tim karl.zobrist@snrdenton.com ; Rush	<pre> <scott.heidtbrink@kcpl.com>; Shay Jim <jim.shay@kcpl.com>; Humphrey Heather Steiner Roger <roger.steiner@kcpl.com> <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com></roger.steiner@kcpl.com></jim.shay@kcpl.com></scott.heidtbrink@kcpl.com></pre>
		•	
			Caisley Chuck Caisley Chuck Cohuck.caisley@kcpl.com>; Chesser Mike mike.chesser@kcpl.com ; Bassham Terry
SigizUTT Attorney Work Froduct	coal lax ciedii		
	Coal Tay Cross		kcpl.com>
Attorney-Client 3/9/2011 Attorney Work Product	Coal Tax Credit	,	"Zobrist, Karı" <a donna="" href="mai</td></tr><tr><td></td><td></td><td>-</td><td><pre><meliss.hardesty@kcpl.com>; Humphrey Heather</pre></td></tr><tr><td></td><td></td><td></td><td>Steiner Roger <pre><pre><pre><pre><pre><pre><pre><pre></td></tr><tr><td></td><td>Coal Tax Credit</td><td>Steiner Roger
<roger.steiner@kcpl.com></td><td>" karl"="" stoway="" stoway@kcpl.com="" zobrist,="">
Attorney-Client 3/8/2011 Attorney Work Product	Coal Tax Credit	Rush Tim <tim.rush@kopl.com></tim.rush@kopl.com>	<pre> <pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre>
			<pre><terry.basshaln@kcpl.com>; Deggendorf Michael <michael.deggendorf@kcpl.com>; Heidtbrink Scott</michael.deggendorf@kcpl.com></terry.basshaln@kcpl.com></pre>
			<pre><chuck.caisley@kcpl.com>; Chesser Mike <mike.chesser@kcpl.com>; Bassham Terry</mike.chesser@kcpl.com></chuck.caisley@kcpl.com></pre>
			Steiner Roger -roger.steiner@kcpl.com>; Downey
E			

Attorney-Client	Attorney-Client			Riggins Bill <bill.riggins@kcpl.com>; "Mahlnka, Stephen Paul" <smahlnka@morganlewis com=""></smahlnka@morganlewis></bill.riggins@kcpl.com>	"Matthews, Mark E.*
Attorney-Client 3/19/2011 Attorney Work Product	3/19/2011	Coal Tax Credit		"Wilcox, Gary B." gwilcox@morganlewls.com	Humphrey Heather heather.humphrey@kcpl.com
Attorney-Client . 3/19/2011 Attorney Work Product	3/19/2011	Coal Tax Credit		Humphrey Heather heather.humphrey@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
Attorney-Client Attorney Work Product Accountant-Client	3/17/2011	Coal Tax Credit		robert.w.hriszko@us.pwc.com; sal.montalbano@us.pwc.com	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product		Coal Tax Credit	Steiner Roger <pre> <pr< td=""><td>"Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com></td><td>Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></td></pr<></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre>	"Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product	3/14/2011	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpt.com></melissa.hardesty@kcpt.com>	lves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>
Attorney-Client Attorney Work Product	3/14/2011	Coal Tax Credit		lves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>	Hardesty Melissa <melissa.hardesty@kopl.com></melissa.hardesty@kopl.com>
Attorney-Client 3/10/2011 Attorney Work Product	3/10/2011	Coal Tax Credit		Steiner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com>	"Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com>
Attorney-Cllent 3/10/2011 Attorney Work Product	3/10/2011	Coal Tax Credit		<pre><iohn.weisensee@kcpl.com>; Steiner Roger <roger.steiner@kcpl.com>; Rush TIm <tim.rush@kcpl.com></tim.rush@kcpl.com></roger.steiner@kcpl.com></iohn.weisensee@kcpl.com></pre>	"Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com>
Attorney-Client Attorney Work Product	3/10/2011	Coal Tax Credit		karl.zobrist@snrdenton.com; Steiner Roger <roger.steiner@kcpl.com>; Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com></roger.steiner@kcpl.com>	Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com>
Attorney-Client 3/10/2011 Attorney Work Product	3/10/2011	Coal Tax Credit		Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com>	Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>
Attorney-Client Attorney Work Product	3/8/2011 /	Coal Tax Credit	Stelner Roger <roger.stelner@kcpl.com></roger.stelner@kcpl.com>	"Zobrist, Karl" -karl zobrist@snrdenton.com>	Humphrey Heather <heather.humphrey@kopl.com></heather.humphrey@kopl.com>
Attorney-Cllent Attorney Work Product	3/9/2011 /	Coal Tax Credit		"Zobrist, Karl" <karl zobrist@snrdenton.com=""></karl>	"Zobrist, Karl" Steiner Roger <roger.steiner@kcpl.com> <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com></roger.steiner@kcpl.com>

Charles Charle	3/22/2011 Attorney Work Broduct	Coal Tax Credit	<leah.huddleston@kcpl.com></leah.huddleston@kcpl.com>	Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Cilest	11 21 200		Wright Lori <lori.wright@kcpl.com>; Jones Leigh Anne <leighanne.jones@kcpl.com>; Huddieston Leah</leighanne.jones@kcpl.com></lori.wright@kcpl.com>	English Mark <mark.english@kopl.com>; Ives</mark.english@kopl.com>	Hardesty Melissa
Attorney-Client Attorney Work Product	1/12/2010 /	Coal Tax Credit		Riggins Bill bill bill.riggins@kcpl.com"> "Mahinka, Stephen Paul" smahinka@morganlewis.com	"Matthews, Mark E." <mark.matthews@morganlewis.com></mark.matthews@morganlewis.com>
Attorney-Client Attorney Work Product	3/21/2011	Coal Tax Credit	Steiner Roger <roger.steiner@kcpl.com>; Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com></roger.steiner@kcpl.com>	Shay Jim <jim.shay@kcpl.com>;. Humphrey Heather <heather.humphrey@kcpl.com>; Wright Lori <lorl.wright@kcpl.com>; lves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com></lorl.wright@kcpl.com></heather.humphrey@kcpl.com></jim.shay@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client Attorney Work Product	3/21/2011 /	Coal Tax Credit	"Zobrist, Karl" <karl,zobrist@snrdenton.com></karl,zobrist@snrdenton.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Steiner Roger <roger.steiner@kcpl.com> <gwilcox@morganiewis.com></gwilcox@morganiewis.com></roger.steiner@kcpl.com>
Attorney-Client Attorney Work Product	3/21/2011	Coal Tax Credit		Steiner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com>	Rush Tim <tim.rush@kapt.com></tim.rush@kapt.com>
Attorney-Client Attorney Work Product	3/19/2011	Coal Tax Credit	Steiner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com>	Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Cilent Attorney Work Product	3/19/2011	Coal Tax Credit	"Davison, Bruce C." <a <karl.zobrist@snrdenton.com="" href="https://doi.org/10.1001/j.j.j.j.j.j.j.j.j.j.j.j.j.j.j.j.j.j.j.</td><td>Ives Darrin <arrin.ives@kcpl.com>; " karl"="" zobrist,="">; Humphrey Heather <heather.humphrey@kcpl.com>; Steiner Roger <roger.steiner@kcpl.com>; Hardesty Mellssa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></roger.steiner@kcpl.com></heather.humphrey@kcpl.com>	Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	
Attorney-Client 1/11/2010 Attorney Work Product	1/11/2010 A	Coal Tax Credit	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Riggins Bill <bill.riggins@kcpl.com>; "Mahinka, Stephen Paul" <smahinka@morganlewis.com></smahinka@morganlewis.com></bill.riggins@kcpl.com>	"Matthews, Mark E." <mark.matthews@morganlewis.com></mark.matthews@morganlewis.com>
Attorney-Client 1/11/2010 Attorney Work Product	1/11/2010 A	Coal Tax Credit		Riggins Bill bill riggins@kcpl.com>;"Matthews, Mark E." <pre><mark.matthews@morganlewis.com< pre=""></mark.matthews@morganlewis.com<></pre>	"Mahinka, Stephen Paul" <smahinka@morganlewis.com></smahinka@morganlewis.com>
Attorney-Client 1/11/2010 Attorney Work Product	1/11/2010 A	Coal Tax Credit		"Matthews, Mark E." <mark.matthews@morganlewis.com>; Riggins Bill </br></br></br></br></br></br></br></br></br></br></br></br></br></br></br></br></mark.matthews@morganlewis.com>	"Mahinka, Stephen Paul" <smahinka@morganlewis.com></smahinka@morganlewis.com>

Attorney-Client	Attorney-Client	Coal Tax Credit		<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	<gwilcox@morganlewis.com></gwilcox@morganlewis.com>
•				Humphrey Heather	"Wilcox, Gary B."
TODOO!				Hardesty Melissa Smelissa_hardesty@kcnl.com>:	
Attorney-Client Attorney Work Product	3/23/2011	Coal Tax Credit	And the state of t	<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
A #				Humphrey Heather	Hardesty Melissa
Auditiey work Floques				"Wilcox, Gary B."	
Attorney-Client	3/23/2011	Coal Tax Credit		<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	<gwilcox@morganlewis.com></gwilcox@morganlewis.com>
:			-	<pre><melissa.hardesty@kcpl.com>; Humphrey Heather</melissa.hardesty@kcpl.com></pre>	"Wilcox, Gary B."
Attorney Work Product	3/2/2/17	. Coal tax Cledit		Hardesty Melissa	
Attorney-Client	0	Coal Tay Cradit	Steiner Roger <roger.steiner@kcpl.com>; Rush Tim <tim_rush@kcpl.com></tim_rush@kcpl.com></roger.steiner@kcpl.com>	Wright Lori <lori.wright@kcpl.com>; Wes Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com></lori.wright@kcpl.com>	Hardesty Melissa <mellssa.hardesty@kcpl.com></mellssa.hardesty@kcpl.com>
				Humphrey Heather	-
				Jim <jim.shay@kcpl.com>;</jim.shay@kcpl.com>	
				Hardesty Melissa	
Attorney Work Product	3/22/2011	Coal Tax Credit		<neather.humphrey@kcpl.com></neather.humphrey@kcpl.com>	Sinches and desiry WKCDLCOIL
Attorney-Client				Humphrey Heather	Complies a bandoch Short and
			•	<gwilcox@morganlewis.com>;</gwilcox@morganlewis.com>	
Accountant-Client	3/2/2/2011	Coal Lax Credit		"Wilcox, Gary B."	
Attorney-Client Attorney Work Product		1	robert w briesko@ije owo com	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	sal.montalbano@us.pwc.com
Attorney Work Product	1107/77/6	Coar Fax Credit			
Audiney-Cilent		Cost Tay Crous	Darrin <darrin ives@kcol.com=""></darrin>	<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	Stellner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com>
A Harman Circuit	•		Wright Lori <lori.wright@kcpl.com>; Shay Jim Jim.shay@kcpl.com>; Ives</lori.wright@kcpl.com>	Humphrey Heather)
				<melissa.hardesty@kcpl.com>; Rush</melissa.hardesty@kcpl.com>	-
SIZZIZU I I Attorney Work Product	1102/77/6	Con ray Cicuit		Hardesty Melissa	
Attorney-Client	3	Coal Tay Credit	Darrin <darrin.lves@kcpl.com></darrin.lves@kcpl.com>	<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
•			Wright Lori <orbin shav@kcpl.com="">; Shav lim <irp>shav@kcpl.com>;</irp></orbin>	Humphrey Heather	Hardesty Melissa
			3	Steiner Roger	
Attorney Work Product	3/22/2011	Coal Tax Credit	<leah.huddleston@kcpl.com></leah.huddleston@kcpl.com>	Rush Tim Affirm rush@konl com>	Total Hallinives@Rcpl.com>
Attornev-Client			Huddleston Leah	English Mark	lves Darrin Adarrin tracelland same
			Jones Leign Anne < eighanne.jones@kcpl.com>;	<pre><melissa.hardesty@kcpl.com>;</melissa.hardesty@kcpl.com></pre>	
	,		Wright Lori <lori.wright@kcpl.com>;</lori.wright@kcpl.com>	Establish Moline	
Attorney Work Product	3/22/2011	Coal Tax Credit		viiteiissa: lai desty@xcpt.com>	dino no contra
Attorney-Client				Hardesty Melissa	viicox, Gary b.⁻ <awiicox@morganiewis.com></awiicox@morganiewis.com>
				<pre><heather.humphrey@kcpl.com>;</heather.humphrey@kcpl.com></pre>	
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Hardesty Melissa	Steiner Roger <roger.steiner@kcpl.com>; Rush</roger.steiner@kcpl.com>	Humphrey Heather			
	The state of the s	-lizatier intimite)(@kcpi.com>	Coal Tax Credit	3/23/2011	Attorney Work Product
		Downey William		• •	
		<william.downey@kcpl.com>; Steiner</william.downey@kcpl.com>			
		Hardesty Melissa			
•		<melissa.hardesty@kcpl.com>; lves Darrin <darrin lves@kcpl.com="">;</darrin></melissa.hardesty@kcpl.com>		- -	•
		Weisensee John			
	Humphrey Heather	sjohn.weisensee@kcpl.com>; Wright			
Rush Tim stim nich@korl com	<pre><heather.humphrey@kcpl.com>;</heather.humphrey@kcpl.com></pre>	Jfischerpc@aol.com; "Zobrist, Karl"	,		Attorney-Client
ann with the state of the	Hardesty Melissa	<karl.zobrlst@snrdenton.com></karl.zobrlst@snrdenton.com>	Coal Tax Credit	3/23/2011	Attorney Work Product
	<pre><melissa.hardesty@kcpl.com>;</melissa.hardesty@kcpl.com></pre>				•
Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	Steiner Roger	Humphrey Heather	•		Attorney-Client
		- 10 control to the American Control	Coal Lax Credit	3/23/2011	Attorney Work Product
· · · · · · · · · · · · · · · · · · ·		Downey William william.downey@kcpl.com>; Steiner Roger <roger.steiner@kcpl.com>; Hardesty Malicro</roger.steiner@kcpl.com>			
	Rush Tim <tim.rush@kcpl.com>;</tim.rush@kcpl.com>	<pre><melissa.hardesty@kcpl.com>; Ives Darrin <darrin.lves@kcpl.com>;</darrin.lves@kcpl.com></melissa.hardesty@kcpl.com></pre>	·		
Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com>	cheather.humphrey@kcpl.com>; Shay Jim <jim.shay@kcpl.com></jim.shay@kcpl.com>	Wright Lori <lori.wright@kcpl.com>; jfischerpc@aol.com; "Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com></lori.wright@kcpl.com>			Attorney-Client
				02020	Audilley Work Product
		Downey Willam <william.downey@kcpl.com>; Steiner Roger <roger.steiner@kcpl.com>;</roger.steiner@kcpl.com></william.downey@kcpl.com>		•	
		Hardesty Melissa 'melissa.hardesty@kcpl.com>; Ives Darin <darrin.lves@kcpl.com>; Welsensoe John Welsensoe John</darrin.lves@kcpl.com>		-	
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Silver in the state of the s	Shay Jim <jim.shay@kcpl.com></jim.shay@kcpl.com>	<karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com>	Coal Tax Credit	3/23/2011	3/23/2011 Attorney Work Product

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Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	Humphrey Heather Cheather.humphrey@kcpl.com>; Show the Cheather.	<			Attorney-Client
Hardesty Melissa	(amount) (avectionity)	\\\all_zobjst@sirgenton.com>	Coal Tax Credit	3/23/2011	Atto
<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>		Coal Tax Credit	3/23/2011	Attorney-Client 3/23/2011 Attorney Work Product
•	Hardesty Melissa				Attomey-Client
sal.montalbano@us.pwc.com	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	robert.w.hriszko@us.pwc.com	Coal Tax Credit	3/23/2011	Attorney Work Product Accountant-Client
Wright Lori <lorl.wright@kcpl.com></lorl.wright@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>		Coal Tay Orodii		Attorney-Client
sal.montalbano@us.pwc.com	Hardesty Melissa			0.7070	Attorney-Client
		TO SOLD WITH BULLOUGH BURNERS TO WELLOUGH	Coal Lax Credit	3/24/2011	Atto
Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Ives Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>				Attorney-Client Attorney Work Product
Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	lyes Darrin sdarrin ives@konl com-			312412011	Attorney-Client
	Hardesty Melicca		Coal Tax Credit	3/24/2011	3/24/2011 Attorney Work Product
Ives Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>	<melissa.hardesty@kcpt.com></melissa.hardesty@kcpt.com>		Coal Tax Credit	3/24/2011	Attorney-Client Attorney Work Product
-	Hardesty Melissa				Attorney-Client
saminanano@us.pwc.com	mellssa.hardesty@kcpl.com Steiner Roger	robert.w.hriszko@us.pwc.com	Coal Tax Credit	3/25/2011	Accountant-Client
	<pre><roger.steiner@kcpl.com>; Rush</roger.steiner@kcpl.com></pre>				
	Weisensee John				-
Hardesty Melissa <melissa.hardesty@kcnl.com></melissa.hardesty@kcnl.com>	<pre>sjohn.weisensee@kcpl.com>; Ives</pre>		•		Attorney Client
	The state of the s		Coal Tax Credit	3/25/2011	3/25/2011 Attorney Work Broduct

mardesty Melissa melissa härdesty@kcpl.com> Weisensee John john.weisensee@kcpl.com> Rush Tim <tim.rush@kcpl.com> Hardesty Melissa melissa.hardesty@kcpl.com></tim.rush@kcpl.com>	ritiwald@deioitte.com Steiner Roger <roger.steiner@kcpl.com>; Hardesty Melissa <melissa.hardesty@kcpl.com> Hardesty Melissa <melissa.hardesty@kcpl.com>; Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com></melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></roger.steiner@kcpl.com>	Weisensee John √john,weisensee@kcpl.com>	Coal Tax Credit Coal Tax Credit Coal Tax Credit Coal Tax Credit	3/25/2011 7/1/2011 7/5/2011	Attorney-Client Attorney Work Product Accountant-Client Accountant-Client Attorney-Client Attorney-Client Attorney-Work Product Attorney-Work Product Attorney-Client Attorney-Client Attorney-Client Attorney-Client Attorney-Client		
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"Zobrist, Karl" <kzobrist@sonnenschein.com></kzobrist@sonnenschein.com>	Hardesty Melissa <melissa.hardesty@kopl.com></melissa.hardesty@kopl.com>			8/4/2009	Attorney-Client 8/4/2009 Attorney Work Product		
Hardesty Melissa <mellssa.hardesty@kcpl.com></mellssa.hardesty@kcpl.com>	"Zobrist, Karl" kzobrist@sonnenscheln.com		Coal Tax Credit	8/5/2009	Attorney-Client 8/5/2009 Attorney Work Product		
Giles Chris ≺chris.giles@kcpl.com>	"Zobrist, Karl" kzobrist@sonnenschein.com ; Blanc Curtis curtis.blanc@kcpl.com ; Schatz Victoria victoria.schatz@kcpl.com ; Rush Tim tim.rush@kcpl.com; Riggins Bill karl 		Coal Tax Credit	1/15/2010	Attorney-Client		
Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Tiwald, Richard J (US - Omaha)" <pre>"Tiwald@deloitte.com>; "Siner, Tiffany (US - Kansas City)" <itifisiner@deloitte.com>; "Yankee, David J. (US - Chicago)" <dyankee@deloitte.com></dyankee@deloitte.com></itifisiner@deloitte.com></pre>		Coal Tax Credit	7/19/2011	Attorney Work Product Attorney-Client Attorney Work Product Accountant-Client		

10/5/2011 Attorney West Product	10/5/2011	Coal Tax Credit		<pre> < ohn.weisensee@kcpl.com></pre>	<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client				Weisensee John	Humphrey Heather
				Tim <tim.rush@kcpl.com>;</tim.rush@kcpl.com>	
		•		<pre><roger.steiner@kcpl.com>; Rush</roger.steiner@kcpl.com></pre>	
				Steiner Roger	
	•			<pre>cmellssa.hardesty@kcpl.com>; lves Darrin <darrin.ives@kcpl.com>;</darrin.ives@kcpl.com></pre>	•
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Accountant Client	5/23/2011	Coal Tax Credit		<tiffsiner@deloitte.com></tiffsiner@deloitte.com>	<dyankee@deloitte.com></dyankee@deloitte.com>
Attorney-Client				Tiffany (US - Kansas City)"	"Yankee, David J. (US - Chicago)"
				Artiwald@deloitte com/: "Sinor	
				<pre><melissa.hardesty@kcpl.com>;</melissa.hardesty@kcpl.com></pre>	
				Hardesty Melissa	
Attorney Work Product	10/5/2011	Coal Tax Credit		<john.weisensee@kcpl.com></john.weisensee@kcpl.com>	<pre><melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></pre>
A#aman Client			7	Weisensee John	Hardesty Melissa
				Tim <tim.rush@kcpl.com>;</tim.rush@kcpl.com>	•
				<pre><roger.steiner@kcpl.com>; Rush</roger.steiner@kcpl.com></pre>	
				Steiner Roger	-
				lves Darrin <darrin.lves@kcpl.com>:</darrin.lves@kcpl.com>	
				<heather.humphrey@kcpl.com>:</heather.humphrey@kcpl.com>	•
Accountant-Client	1107/67/6	Coal tax Credit		Humphrey Heather	
Attorney Work Product	7000	Coal Tax Cradit		<tiffsiner@deloitte.com></tiffsiner@deloitte.com>	<dyankee@deloitte.com></dyankee@deloitte.com>
Attorney-Client	•			Tiffany (US - Kansas City)"	"Yankee, David J. (US - Chicago)"
}			,	<rtiwaid@deloitte.com>: "Siner</rtiwaid@deloitte.com>	
				"Tiwald, Richard J (US - Omaha)"	-
-				<melissa com="" hardestv@kcni="">:</melissa>	
Accountant-Client	5/23/2011	Coal Tax Credit		Hardosty Malican	
Attorney Work Product	5			Atiffsiner@detoitte.com>	<dyankee@detoitte.com></dyankee@detoitte.com>
Attorney-Client				Tiffany (US - Kansas City)"	"Yankee, David J. (US - Chicago)"
				Artiwald@deloite com>: "Sinor	
				"Tiwald Richard J / JS - Omaha)"	
				mardesty melissa	
Attc	9/19/2011	Coal Tax Credit		<pre><melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></pre>	lves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>
Attorney-Client				Hardesty Melissa	
9/19/2011 Attorney Work Product	9/19/2011	Coal Tax Credit		lves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
A Hornous Officest					Hardesty Melissa
Attorney-Client 9/19/2011 Attorney Work Product	9/19/2011	Coal Tax Credit		Hardesty Melissa	lves Darrin <darrin.lves@kcpl.com></darrin.lves@kcpl.com>
9/19/2011 Attorney Work Product	1102/81/8	Coai Tax Credit			
Attorney-Cllent		Coal Tay Cradit		<melissa.hardestv@kcpl.com></melissa.hardestv@kcpl.com>	Steiner Roger <roger.steiner@kcpl.com> <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></roger.steiner@kcpl.com>
				<pre><john.weisensee@kcpl.com>;</john.weisensee@kcpl.com></pre>	
				Weisensee John	
			**	Austr Jun Alm.rush@kcpt.com>;	

10/6/2011 Attorney Work Product	10/6/2	Coal Tax Credit	<pre><john.weisensee@kcpl.com></john.weisensee@kcpl.com></pre>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	lves Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com>
)			Nicole <nicole.wehry@kcpl.com>;</nicole.wehry@kcpl.com>	Hardooty Melicoa	
	•		<roger.steiner@kcpl.com>; Wehry</roger.steiner@kcpl.com>		
-			Steiner Roger		
10/6/2011 Attorney Work Product	10/6/2	Coal Tax Credit	Nicole <nicole.wehry@kcpl.com></nicole.wehry@kcpl.com>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	<)ohn.weisensee@kcpl.com>
Attorney-Client			Tim <tim.rush@kcpl.com>; Wehry</tim.rush@kcpl.com>	Hardesty Melissa	Welsensee John
			<pre><re><re><re></re></re></re></pre> <pre></pre> <pre><!--</td--><td>ives Darrin <darrin.ives@kcpl.com>;</darrin.ives@kcpl.com></td><td></td></pre>	ives Darrin <darrin.ives@kcpl.com>;</darrin.ives@kcpl.com>	
	5/23/2011	Coal Tax Credit		<tiffsiner@deloitte.com></tiffsiner@deloitte.com>	<gyankee@deloitte.com></gyankee@deloitte.com>
Attorney Work Product				Tiffany (US - Kansas City)"	"Yankee, David J. (US - Chicago)"
Attorney Citart			-	<rtiwald@deloitte.com>; "Siner.</rtiwald@deloitte.com>	
				"Tiwald, Richard J (US - Omaha)"	
				Imardesty Melissa Imardesty Melissa Imardesty Melissa Imardesty Melissa	
Atto	10/6/2011	Coal Tax Credit	<john.weisensee@kcpl.com></john.weisensee@kcpl.com>	<melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	ives Damn <damn.ives@kcpl.com></damn.ives@kcpl.com>
Attorney-Client			Weisensee John	Hardesty Melissa	•
-			Nicole <nicole.wehry@kcpl.com>;</nicole.wehry@kcpl.com>		•
•			I im <tim.rush@kcpl.com>; Wehry .</tim.rush@kcpl.com>	ı	
		•	<roger.steiner@kcpl.com>; Rush</roger.steiner@kcpl.com>		
			Steiner Roger		-
⊢	5/23/2011	Coal Tax Credit		<tiffsiner@deloltte.com></tiffsiner@deloltte.com>	<gyankee@deloitte.com></gyankee@deloitte.com>
Attorney Work Product				Tiffany (US - Kansas City)"	"Yankee, David J. (US - Chicago)"
Attorney-Client				<rtiwald@deloitte.com>; "Siner,</rtiwald@deloitte.com>	
				"Tiwald, Richard J (US - Omaha)"	
				<melissa.hardesty@kcpl.com>;</melissa.hardesty@kcpl.com>	•
			•	Hardesty Melissa	
10/6/2011 Attorney Work Product	10/6/20	Coal Tax Credit	<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	<on> ohn.weisensee@kcpl.com> </on>
Attorney			Humphrey Heather	<pre><roger.steiner@kcpl.com>: Rush</roger.steiner@kcpl.com></pre>	Weisensee John,
				Steiner Roger	
				Darrin <darrin.ives@kcpl.com>:</darrin.ives@kcpl.com>	
				<melissa com="" hardestv@kcni="">: lves</melissa>	
10/6/2011 Attorney Work Product	10/6/20	Coal Tax Credit		Hardesty Melices	
Attorney-Client)		Transpiration Continue	cinha weiseassa konloom
	-		-	Steiner Roger	Weisensee John
10/6/2011 Attorney Work Product	10/6/20	Coal Tax Credit	<heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>	<john.weisensee@kcpl.com></john.weisensee@kcpl.com>
Attorney-Client			Humphrey Heather	<melissa.hardesty@kcpl.com>; Rush Humphrey Heather</melissa.hardesty@kcpl.com>	Weisensee John
				Hardesty Melissa	
				Darrin <darrin.lves@kcpl.com>;</darrin.lves@kcpl.com>	
				<roger.steiner@kcpl.com>; lves</roger.steiner@kcpl.com>	
XI				Steiner Roger	

Hardesty Melissa "Zobrist, Karl" <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Hardesty Melissa "Wilcox, Gary B." 	<pre>c*/o=xchange/ou=exchange administrative group (fydibohf23spdit)/cn=recipients/cn=2ece5 fa2-a4f14479-85256e3f-5883f4"> heather.humphrey@kcpl.com</pre> Coal Tax	er "Wilcox, Gary B." ey@kcpl.com> <qwilcox@morganlewis.com></qwilcox@morganlewis.com>	u=exchange Humphrey Heather vn=reciplents/cn=2ece5 <heather.humphrey@kcpl.com>; Riggins Bill <bill.riggins@kcpl.com> ></bill.riggins@kcpl.com></heather.humphrey@kcpl.com>	"Wilcox, Gary B." Hardesty Melissa <a href="mai</th><th>C</th><th>Steiner Roger Steiner Roger <a .com="" href="mailto:weiny@kcpl.c</th><th>C</th><th>J.(US - Omaha)">; "Siner, sas City)" c.com>				
Coal Tax Credit	Coal Tax Credit	Coal Tax Credit	Coal Tax Credit	lewis.com Coal Tax Credit	Coal Tax Credit	Coal Tax Credit	n>; /ehry om>;	C	Coal Tax Credit
Attorney-Client 2/11/2011 Attorney Work Product	Attorney-Client 2/11/2011 Attorney Work Product	Attorney-Client 2/17/2010 Attorney Work Product	Attorney-Client 4/29/2010 Attorney Work Product	Attorney-Client 3/11/2010 Attorney Work Product	Attorney-Client 2/11/2011 Attorney Work Product	Attorney-Client Attorney Work Product 5/23/2011 Accountant-Client	Attorney-Client	Attomey-Client 10/6/2011 Attomey Work Product	Attorney-Client Attorney Work Product 5/23/2011 Accountant-Client

Attorney-Client 9/16/2010 Attorney Work Product	Coal Tax Credit	<pre><kzobrist@sonnenschein.com>; Schatz Victoria <victoria.schatz@kcpl.com></victoria.schatz@kcpl.com></kzobrist@sonnenschein.com></pre>	"Gilbreath, Lisa A." gilbreath@sonnenschein.com	Laidacker Teresa <teresa.laidacker@kcpl.com></teresa.laidacker@kcpl.com>
Attorney-Client 9/13/2010 Attorney Work Product	Coal Tax Credit	"Zobrist, Karl"	Sqwllcox@morganlewis.com	@kcpl.com>
Attorney-Client 9/10/2010 Attorney Work Product	Coal Tax Credit		Riggins Bill <bill.riggins@kcpl.com></bill.riggins@kcpl.com>	@kcpl.com>
Attorney-Client 9/10/2010 Attorney Work Product	Coal Tax Credit		Riggins Bill <bill.rigg ns@kapl.com></bill.rigg ns@kapl.com>	@kcpl.com>
Attorney-Client 9/8/2010 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	<pre><teresa laidacker@kcpl.com=""></teresa></pre>
Attorney-Client 2/11/2011 Attorney Work Product			Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	nlewis.com>
Attorney-Client 2/11/2011 Attorney Work Product	Coal Tax Credit		"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Hardesty Melissa <melissa.hardesty@kopl.com></melissa.hardesty@kopl.com>
Attorney-Client 2/11/2011 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>
	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	"Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com>
Attorney-Client Attorney Work Product	Coal Tax Credit		"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 2/11/2011 Attorney Work Product	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>
Attorney-Client 2/17/2010 Attorney Work Product	Coal Tax Credit		heather.humphrey@kcpl.com	<10=exchange/ou=exchange administrative group (fydiboht/23spdit)/cn=recipients/cn=2ece5 fa2-a4f14479-85256e3f-5883f4">
Attomey-Client 4/29/2010 Attomey Work Product	Coal Tax Credit		"Wilcox, Gary B." <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Humphrey Heather heather.humphrey@kopl.com "Wilcox, Gary B."
Altorney-Client Altorney Work Product	Coal Tax Credit	"Matthews, Mark E." <mark.matthews@morganlewis.com< td=""><td>Humphrey Heather</td><td>-exchange p p</td></mark.matthews@morganlewis.com<>	Humphrey Heather	-exchange p p

Attorney-Client 3/18/2011 Attorney Work Product	· 3/18/2011	Coal Tax Credit	Wright Lori wright@kcpl.com , Wes Darrin darrin.ives@kcpl.com	Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	Shay Jim <lim.shay@kcpl.com></lim.shay@kcpl.com>
Attorney-Client 11/30/2011 Attorney Work Product	11/30/2011	Coal Tax Credit		(gwilcox@morganlewis.com)" <gwilcox@morganlewis.com></gwilcox@morganlewis.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client Attorney Work Product	9/19/2011	Coal Tax Credit		lves Darrin <darrin.ives@kcpl.com>; Steiner Roger <roger.steiner@kcpl.com>; "Zobrist, Karl" <karl.zobrist@snrdenton.com> "Garry Wilcox"</karl.zobrist@snrdenton.com></roger.steiner@kcpl.com></darrin.ives@kcpl.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>
Attorney-Client Attorney Work Product	9/18/2011	Coal Tax Credit		<pre>croger.steiner@kcpl.com>; Hardesty Mellssa <mellssa.hardesty@kcpl.com>; Rush Tim <tim.rush@kcpl.com>; Welsensee John <john.welsensee@kcpl.com>; Ives Darrin <darrin.ives@kcpl.com></darrin.ives@kcpl.com></john.welsensee@kcpl.com></tim.rush@kcpl.com></mellssa.hardesty@kcpl.com></pre>	"Zobrist, Karl" <karl.zobrist@snrdenton.com></karl.zobrist@snrdenton.com>
Attorney-Client 9/14/2011 Attorney Work Product	9/14/2011	Coal Tax Credit	lves Darrin <darrin.ives@kcpl.com>; Steiner Roger <roger.steiner@kcpl.com></roger.steiner@kcpl.com></darrin.ives@kcpl.com>	Annipri by reduter Aneather.humphrey@kcpl.com>; Hardesty Melissa Aneilssa.hardesty@kcpl.com> Steiner Roger	"Zobrist, Karl". <karl.zobrist@shrdenton.com></karl.zobrist@shrdenton.com>
Attorney-Client	5/31/2011	Coal Tax Credit	Steiner Roger <pre> <roger.steiner@kcpl.com>; Buffington Denise <denise.buffington@kcpl.com>; Ives Darrin <darrin.ives@kcpl.com>; Hardesty Melissa </darrin.ives@kcpl.com></denise.buffington@kcpl.com></roger.steiner@kcpl.com></pre> <pre> <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></pre>	.com>; Rush Tim	Weisensee John ≺john,weisensee@kopt.com>
Attorney-Client 6/28/2011 Attorney Work Product	6/28/2011	Coal Tax Credit		ifischerpc@aol.com	Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com>
Attorney-Client		Coal Tax Credit		iflscherpc@aol.com	Weisensee John <john.weisensee@kcpl.com></john.weisensee@kcpl.com>
Attorney-Client		Coal Tax Credit		Turner Mary <mary.turner@kcpl.com></mary.turner@kcpl.com>	Rush Tim <tim.rush@kcpl.com></tim.rush@kcpl.com>
Attorney Work Product Attorney Work Product	3/16/2011	Coal Tax Credit		Wright Lori <ari.wrlght@kcpl.com></ari.wrlght@kcpl.com>	Shay Jim <jim.shay@kcpl.com></jim.shay@kcpl.com>
Attorney-Client XHIB	orocect a	Coal Tax Credit		kzobrist@sonnenschein.com; "Gilbreath, Lisa A." "Gilbreath@sonnenschein.com>	Laidacker Teresa <teresa.laldacker@kcpl.com></teresa.laldacker@kcpl.com>

Attorney-Client Attorney Work Product Accountant-Client	3/30/2011	Coal Tax Credit		Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com>	robert.w.hriszko@us.pwc.com
Attorney-Client Attorney Work Product	3/30/2011	Coal Tax Credit		Ives Darrin <arrin.lves@kopl.com>; Hardesty Melissa <melissa.hardesty@kopl.com>; Wright Lori <lori.wright@kopl.com>; Jones Leigh Anne <leighanne.jones@kopl.com>; Huddleston Leah <leath.huddleston@kcpl.com></leath.huddleston@kcpl.com></leighanne.jones@kopl.com></lori.wright@kopl.com></melissa.hardesty@kopl.com></arrin.lves@kopl.com>	English Mark <mark.english@kcpl.com></mark.english@kcpl.com>
Attorney-Client Attorney Work Product	10/6/2011	Coal Tax Credit	Ives Darrin <arrin.ives@kcpl.com>; Weisensee John <arrin.ives@kcpl.com>; Rush Tim <arrin.ives@kcpl.com>; Steiner Roger <arriv.orger.steiner@kcpl.com>; Wehry Nicole <arriv.orger.steiner@kcpl.com>; Wehry Nicole <arriv.orger.steiner@kcpl.com>; Wehry Nicole <arriv.orger.steiner@kcpl.com>; Weinry@kcpl.com></arriv.orger.steiner@kcpl.com></arriv.orger.steiner@kcpl.com></arriv.orger.steiner@kcpl.com></arriv.orger.steiner@kcpl.com></arrin.ives@kcpl.com></arrin.ives@kcpl.com></arrin.ives@kcpl.com>	Hardesty Melissa <melissa.hardesty@kcpl.com>; Larson Kara <kara.larson@kcpl.com></kara.larson@kcpl.com></melissa.hardesty@kcpl.com>	Laidacker Teresa <teresa.laidacker@kcpl.com></teresa.laidacker@kcpl.com>
Attorney-Client Attorney Work Product	3/22/2011	Coal Tax Credit	Wright Lorl <orn.wright@kcpl.com>; Jones Leigh Anne <leighanne.jones@kcpl.com>; Huddleston Leah <leah.huddleston@kcpl.com></leah.huddleston@kcpl.com></leighanne.jones@kcpl.com></orn.wright@kcpl.com>	lves Darrin <darrin.ives@kcpl.com>; Hardesty Melissa <melissa.hardesty@kcpl.com></melissa.hardesty@kcpl.com></darrin.ives@kcpl.com>	English Mark <mark.english@kcpl.com></mark.english@kcpl.com>
Attorney-Client 3/21/2011 Attorney Work Product	3/21/2011	Coal Tax Credit		Humphrey Heather	Samuels Barbara m>
Attorney-Client	3/21/2011	Coal Tax Credit	Samuels Barbara - charbara.samuels@kcpl.com>; - Lomax Carla - ccarla.lomax@kcpl.com>; Steiner - Roger <roger.steiner@kcpl.com>; - Eads Pandora.eads@kcpl.com></roger.steiner@kcpl.com>	Shay Jim <jim.shay@kcpl.com>; Humphrey Heather</jim.shay@kcpl.com>	Stoway Donna <donna.stoway@kcpl.com></donna.stoway@kcpl.com>
3/21/2011 Attorney Work Product Attorney-Client Attorney Work Product	3/21/2011 3/21/2011	Coal Tax Credit Coal Tax Credit	~oger.sienien@kcpi.com>	Humphrey Heather <heather.humphrey@kcpl.com></heather.humphrey@kcpl.com>	Samuels Barbara <barbara.samuels@kcpl.com></barbara.samuels@kcpl.com>
Attorney-Client Attorney Work Product Attorney-Client Attorney-Client	3/21/2011	Coal Tax Credit	Steiner Roger	Steiner Roger <rroger.steiner@kcpl.com> Shav.lim <fra>shav@kcpl.com></fra></rroger.steiner@kcpl.com>	Stoway Donna <donna.stoway@kcpl.com> Stoway Donna Stoway Donna donna.stoway@kcpl.com></donna.stoway@kcpl.com>

	<u>5</u>	
	bert.w.hriszko@us.pwc.com	
	Hardesty Melissa <mellssa.hardesty@k< td=""><td>-</td></mellssa.hardesty@k<>	-
	copi.com> sal.mon	
	talbano@us.pwc.com	
	Coal Tax Credit	
•	3/30/2011	
	Attorney-Client Attorney Work Product Accountant-Client	

PRIVILEGE LOG

Dated: June 23, 2012

Case No. ER-2012-0174

Production of Q0295 to Missouri Public Service Commission

DOC DATE 09/08/2010 05/19/2010 06/10/2010 05/14/2010 04/02/2010 03/05/2010 02/25/2010 Gary Wilcox |Morgan Lewis & Bockius LLP Morgan Lewis & Bockius LLP Morgan Lewis & Bockius LLP Gary Wilcox Morgan Lewis & Bockius LLP Gary Wilcox Gary Wilcox Gary Wilcox Morgan Lewis & Bockius LLP Morgan Lewis & Bockius LLP Gary Wilcox Morgan Lewis & Bockius LLP Gary Wilcox, AUTHOR Attorney Work Product Attorney-Client Attorney-Client Attorney-Client Attorney-Client Attorney-Client Attorney-Client Attorney-Client PRIVILEGE CLAIMED Attorney Notes (1/2 page) Attorney Notes (1/2 page) Attorney Notes (1/2 page) Attorney Notes (1 page) Attorney Notes (3 pages) Attorney Notes (4 pages) Attorney Notes (2 pages) DESCRIPTION (PRODUCED IN DATA REQUEST 0314) # ON COMMUNICATION LOG CORRESPONDING SLIP SHEET # 19 12 9 ∞ S

EXHIBIT A

PRIVILEGE LOG

Dated: June 23, 2012

Case No. ER-2012-0174

Production of Q0295 to Missouri Public Service Commission

09/19/2011	08/04/2011	06/24/2011	06/13/2011	05/04/2011	03/21/2011	09/08/2010	DOCDATE
Gary Wilcox Morgan Lewis & Bockius LLP	AUTHOR						
Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	Attorney-Client Attorney Work Product	PRIVILEGE CLAIMED
Attorney Notes (3 pages)	Attorney Notes (1 page)	Attorney Notes (1 page)	Attorney Notes (1/2 page)	Attorney Notes (1/2 page)	Attorney Notes (2 pages)	Attorney Notes (1/2 page)	DESCRIPTION
32	29	28	27	24	22	20	CORRESPONDING SLIP SHEET # AND AND # ON COMMUNICATION LOG (PRODUCED IN DATA REQUIRET 0314)

EXHIBIT A

PRIVILEGE LOG Dated: June 23, 2012

Case No. ER-2012-0174

Production of Q0295 to Missouri Public Service Commission

	09/21/2011	DOCDATE
Morgan Lewis & Bockius LLP	Gary Wilcox	AUTHOR
Attorney Work Product	Attorney-Client	PRIVILEGE CLAIMED
Attorney Notes (2 page)		DESCRIPTION
34		CORRESPONDING SLIP SHEET # AND AND #ON COMMUNICATION LOG (PRODUCED IN DATA REQUEST 0314)