

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

In the Matter of the Joint Application of Great)	
Plains Energy Incorporated, Kansas City Power)	
& Light Company, and Aquila, Inc. for Approval)	Case No. EM-2007-0374
Of the Merger of Aquila, Inc. with a subsidiary of)	
Great Plains Energy Incorporated and for Other)	
Related Relief.)	

PETITION TO REOPEN RECORD AND SCHEDULE HEARING

COME NOW, the Industrial Intervenors, pursuant to 4 CSR 240-2.110(8), and for their Petition to Reopen Record and Schedule Hearing respectfully state as follows:

1. Commission Rule 4 CSR 240-2.110(8) provides for the reopening of a case for the purpose of taking additional evidence on material changes in fact which occur after the conclusion of the hearing.

A party may request that the commission reopen a case for the taking of additional evidence if the request is made after the hearing has been concluded, but before briefs have been filed or oral argument presented, or before a decision has been issued in the absence of briefs or argument. Such a request shall be made by filing with the secretary of the commission a petition to reopen the record for the taking of additional evidence in accordance with these rules, and serving the petition on all other parties. The petition shall specify the facts which allegedly constitute grounds in justification, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. The petition shall also contain a brief statement of the proposed additional evidence, and an explanation as to why this evidence was not offered during the hearing.

2. The evidentiary hearing in this matter concluded on May 1, 2008. Briefs were ordered to be filed on June 2, 2008. As such, a petition to reopen the record in this matter is timely.

3. Industrial Intervenors seek to reopen the record to allow for the introduction of evidence as to matters which occurred on May 23, 2008. On that date, a large crane used in the construction of the environmental upgrades at Iatan 1 collapsed as a possible result of heavy winds.¹ This crane was unique,² and its collapse as well as the questioned availability of a replacement crane may threaten the scheduled outage and completion of the Iatan 1 environmental upgrades.

4. While this crane was currently being used in the construction of the Iatan 1 environmental upgrades, the use of common subcontractors (*i.e.*, Alstom, Inc.) on both the Iatan 1 upgrades and the Iatan 2 plant construction necessarily leads to some concern that if the Iatan 1 schedule is threatened, the scheduled completion of the Iatan 2 power plant will be similarly threatened. Specifically, KCPL had based the completion of the Iatan 2 power plant on the timely completion of the Iatan 1 environmental upgrades, thus freeing necessary Alstom labor to focus on the construction of the Iatan 2 plant.

5. In its solicitation of a post-closing credit rating from S&P and Moody's, the Joint Applicants provided certain key assumptions. Critical among these were assumptions as to the schedule and budget of both Iatan 1 and Iatan 2. Given the critical nature of these assumptions, the sudden occurrence of events which may threaten the schedule and / or budget for these capital projects necessarily calls into question the validity of the Joint Applicants' contention that GPE / KCPL / Aquila will achieve or maintain an investment grade credit rating following the closing of this acquisition. As

¹ See Attachment 1. The exact cause of the collapse appears not to have been finally determined. As a result of this unfortunate collapse, at least one worker was killed and three other workers received what have been reported as serious injuries.

² See, Exhibit 139 at page 7 ("There is at the Iatan site 40 cranes right now in a very small space. You cannot find 40 cranes in all of downtown Kansas City. **It includes the second-biggest crane that is available in the United States.**"). (emphasis added).

S&P notes, “[p]lease note the conclusions provided herein are based on assumptions you and your team have provided to us. To the extent that these assumptions change, the rating implications could also change.”³

6. By reopening the record in this matter, Industrial Intervenors will seek to adduce evidence as to the effect that the crane collapse will have on the budget or schedule of the Iatan capital projects and, thus, on the validity of the contention that the Joint Applicants will achieve or retain their investment grade credit rating. Given the timing and unforeseeable nature of this unexpected and unfortunate event, parties could not have presented evidence on this matter at the recently concluded hearing. As such, reopening the record and scheduling a supplemental hearing is not only appropriate, but is necessary given the Commission’s obligation under Missouri law to protect the ratepaying public from a transaction that would result in detriment.

7. The Industrial Intervenors are sensitive to the tragic nature of this event. By filing this petition, Industrial Intervenors do not seek to delay this matter as a result of the tragic events that occurred on May 23. In fact, the Industrial Intervenors do not seek to delay the briefs that are currently scheduled for June 2. Movants merely request, consistent with the broad nature of the “not detrimental to the public interest” standard applicable to this transaction, that the Commission consider all facts that may be relevant to a determination under this standard.

8. The admission of evidence following the conclusion of a hearing is not extraordinary. As requested, the reopening of this record would be tantamount to a true-up hearing in a rate case. In recent KCPL and Empire rate proceedings, the Commission ordered a true-up hearing for the purposes of considering more recent information.

³ Ex. 125, page 4.

Similarly, the Industrial Intervenors seek a hearing so that more recent information may be considered by the Commission in this proceeding.

Respectfully submitted,



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ATTORNEYS FOR
INDUSTRIAL INTERVENORS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



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One worker killed, three injured in crane boom collapse at Iatan power plant

By BILL GRAHAM
The Kansas City Star

The boom on a massive construction crane was being lowered Friday because of unsafe wind conditions when it collapsed at the Iatan power plant, killing one construction worker and injuring three others.

The name of the worker killed had not been released because family notifications were not complete, said Matt Tidwell, a spokesman for Kansas City Power & Light, the plant's operator.

Officials were investigating whether it was the wind or other factors that caused the collapse, said Brent Davis, the project manager for KCP&L. The crane has been at the site north of Weston in Platte County since fall, and was being used to install upgraded pollution-control equipment atop the Unit 1 power plant.

"It appears the crane had sent its boom up to check the wind speed at the site, and having determined that the wind speed would preclude safe operations, was in the process of lowering the boom when the incident occurred," Davis said.

There was no load on the boom when it collapsed at 7:30 a.m., just after the daily construction shift began, he said.

Equipment that measures wind speed is sent up each day before any materials are lifted. Wind speeds at the time were measured at 22 to 29 miles per hour at Kansas City International Airport, according to the National Weather Service.

The three injured workers were taken to area hospitals. One man was treated and released. Two others were hospitalized with injuries not considered life-threatening.

One of the injured and hospitalized was John Micheals, employed by a subcontractor Aerotek, Tidwell said. No other information was released.

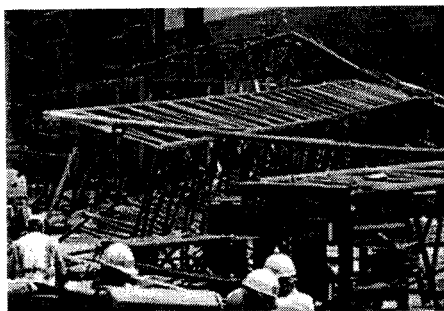
"Let's all keep our thoughts and prayers with these families and the one that was lost," Davis said.

The four workers were employees of the general contractor, Alstom Power Inc. of Windsor, Conn., or one of the subcontractors working at the site, Tidwell said.

Davis said Alstom is the lead contractor for the pollution-control upgrade and for construction of a new power plant, Unit 2, adjacent to the existing plant.

"First and foremost, we extend our deepest sympathy to the family of the worker killed in this tragic accident," Alstom officials said in a statement issued through a media consultant. "We also offer our best wishes for a full and speedy recovery to the three men who were injured. The safety and security of the workers at our project sites is something upon which we place the utmost importance."

Company officials also pledged to work with the Occupational Safety and Health Administration in the investigation.

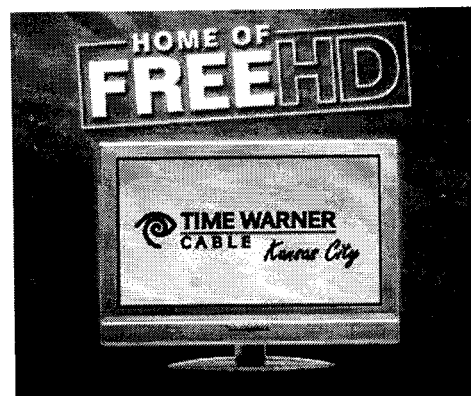


Keith Myers |

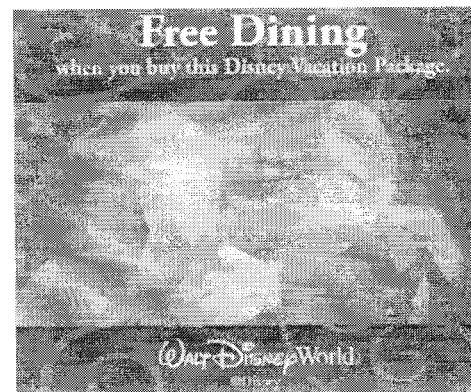
One worker was killed and three were injured Friday in a crane accident at a power plant construction site north of Weston.



■ KCP&L official comments at the scene VIDEO



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About 1,800 construction workers were sent home after the accident. Davis said he did not know when the work would resume.

The Unit 1 plant remained in operation Friday after the accident, Tidwell said.

Davis declined to say how the crane injured the four workers, or where they were when it fell.

The Manitowoc 18000 crane rolled onto its side, its 380-foot long boom striking the side of the Unit 1 plant and punching holes in its outer metal walls. An 800-ton crane, it is capable of lifting 150 tons up to 15 floors high, Davis said. It was perched on a two-layer pad of thick wooden beams.

Some pins and bolts holding lower portions of the lattice-style boom together broke during the fall. A middle section was severely bent and broken atop a box-like steel duct structure on the ground. Upper segments of the boom lay flat on the soil.

Another fatal accident

This is the second fatal accident in about a year at the Iatan power plant site.

On May 10, 2007, two workers were killed and four were injured when a heated water line ruptured at the plant.

In November, the Occupational Safety and Health Administration announced \$21,000 in fines and three citations for safety violations against Kansas City Power & Light in connection with the accident.

KCP&L spokeswoman Ione Villegas said Friday that OSHA later changed the ruling to one "other than serious" citation and a \$700 fine.

Jean Williams, assistant area director for OSHA, said the violations arising from the 2007 accident have been settled, but the agency's review commission has yet to release the final order. Williams said she could not comment further about the 2007 matter.

Matt Tidwell, a Kansas City Power & Light spokesman, said the accident Friday should not reflect on KCP&L's safety record, because it occurred on a construction site rather than as part of general operations.

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