

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

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

RESPONSE TO ORDER DIRECTING FILING

COMES NOW Trigen-Kansas City Energy Corporation (“Trigen”) and for its Response to the Commission’s Order Directing Filing (“Order”) issued on September 18, 2006, respectfully states as follows:

1. The Order directed Trigen to “state whether KCPL answered the data requests listed in KCPL’s September 1 pleading, and to inform the Commission what data requests it still wishes the Commission to compel KCPL to answer.” KCPL purported to answer some of the data requests, but not all of the data requests, as described more particularly below¹. In addition, most of the “responses” to data requests which KCPL provided are not truly responsive, as shown on the attached (KCPL’s responses are attached hereto for the Commission’s review).

2. KCPL completely failed to respond (other than noting its prior objection) to the following data requests, some of which KCPL indicated in its Response that it would answer, as shown on the attached: Data request numbers **27(b) and (c); 28(a), (c), (d), (e), (f), (g) and (h); 29(d) and (e); 31(c), (d), (f), (g), (h) and (g)**². Furthermore,

¹ A complete set of the data requests was attached to Trigen’s original Motion to Compel, and sets forth the requests in a format which is easier to read than the requests set forth in KCPL’s attached “responses.”

² This data request erroneously had two subparagraphs denominated as (g); KCPL failed to respond to either of them.

KCPL's entire response to data request number **37(a) through (d)** was "Employees within the Customer Marketing areas participate in the same incentive plan available to other KCPL employees. Information related to this plan has been provided in numerous data requests related to this case." However, the response completely failed to provide the information to Trigen in response to this data request; providing the information to other parties in response to other data requests obviously does not help Trigen and clearly fails to provide a real response. Accordingly, for the reasons set forth in Trigen's original Motion to Compel Trigen requests the Commission to order KCPL to answer each of these data requests.

3. Furthermore, in addition to completely failing to respond to the data requests set forth in paragraph 2 above, Trigen does not believe that KCPL's "responses" to those data requests which it purported to answer are truly "responsive." For example, data requests **32(a)(iii) and (iv)** requested documentation, which was not provided. KCPL's responses are attached hereto for the Commission's review and determination of whether said responses are responsive in the Commission's view. Trigen would request that the Commission order KCPL to supplement the attached "responses" with responses which are truly responsive to the questions asked in the respective data requests.

WHEREFORE, Trigen respectfully requests the Commission issue an order compelling KCPL to (1) answer those data requests which it failed to attempt to answer

as set forth in paragraph 2 above and (2) provide responsive answers to those data requests which it purported to answer as set forth in paragraph 3 above.

Respectfully submitted,

/s/ Jeffrey A. Keevil

Jeffrey A. Keevil #33825
Charles Brent Stewart #34885
STEWART & KEEVIL, L.L.C.
4603 John Garry Drive, Suite 11
Columbia, Missouri 65203
(573) 499-0635
(573) 499-0638 (fax)

per594@aol.com

stewart499@aol.com

Attorneys for Trigen-Kansas City
Energy Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was sent to counsel of record by depositing same in the U.S. Mail, first class postage prepaid, by hand-delivery, or by electronic mail transmission, this 21st day of September, 2006.

/s/ Jeffrey A. Keevil
