

JAMES M. FISCHER, P.C.

ATTORNEY AT LAW
REGULATORY CONSULTANT

101 WEST McCARTY, SUITE 215
JEFFERSON CITY, MO 65101

TELEPHONE (573) 636-6758
FAX (573) 636-0383

November 1, 1999

FILED
NOV - 1 1999
Missouri Public
Service Commission

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 3660
Jefferson City, Missouri 65102

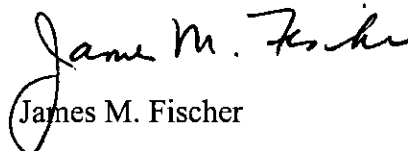
RE: Proposed Rule 4 CSR 240-2.065(1) Governing Tariff Filings Which Create Cases
Case No. AX-2000-113

Dear Mr. Roberts:

Enclosed, for filing in the above-referenced matter, are the original and fourteen (14) copies of the Comments of Kansas City Power & Light Company in Opposition to Proposed Rule 4 CSR 240-2.065(1). A copy of the foregoing document has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

/jr
Enclosures

cc: Office of the Public Counsel
Dana Joyce

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
NOV - 1 1999

In the Matter of Proposed Rule)
4 CSR 240-2.065(1) Governing Tariff Filings) Case No. AX-2000-113
Which Create Cases)

Comments of Kansas City Power & Light Company
In Opposition to Proposed Rule 4 CSR 240-2.065(1)

COMES NOW Kansas City Power & Light Company ("KCPL"), by and through counsel, and submits the following comments in opposition to proposed rule 4 CSR 240- 2.065(1) governing Tariff Filings Which Create Cases.

1. Proposed rule 4 CSR 240-2.065(1) (hereinafter referred to as "the proposed rule") provides, in pertinent part, that: "...Any public utility which submits a general rate increase request shall simultaneously submit its direct testimony with the tariff." KCPL assumes that the reason for this proposed change would be to reduce the time it takes to process a rate case, thereby reducing regulatory lag.

2. KCPL does not oppose the proposed rule, per se, but suggests that should the proposed rule be adopted, that a corresponding change also be made to the time in which Staff and Public Counsel have to audit the books and records of the public utility and file their testimony. Otherwise, the case would not be adjudicated more quickly, and the rule change would simply afford Staff and Public Counsel additional time in which to complete the audit and file their testimony.

3. Under current procedure, following the filing of a tariff, the Commission enters a suspension order which establishes a filing deadline for the direct testimony of the utility. This filing deadline is typically six to eight weeks after the tariff was filed.

Staff and Public Counsel are generally given four or five months in which to file their direct testimony in support of their recommendations.

4. Should the Commission elect to adopt proposed rule 4 CSR 240-2.065(1), judicial economy would be served if the Commission also adjusts in its procedure the deadline by which Staff and Public Counsel must file their testimony to reflect the accelerated filing of the utility's direct testimony.

5. As an alternative, the Commission could retain the current rule that does not require that the utility file its direct testimony with its tariffs. However, the Commission could also give the utility an option to file its direct testimony with its tariffs in exchange for more expeditious processing of the rate proceeding. Under this approach, the Commission would not suspend the utility's tariffs for the full statutory suspension period if the utility filed its direct testimony with its tariffs.

WHEREFORE, for the foregoing reasons, Kansas City Power & Light Company prays that the Commission not adopt proposed rule 4 CSR 240-2.065(1) unless the Commission also makes a corresponding change to the time in which Staff and Public Counsel must audit a case and file their testimony, and for such other and further relief as is just and proper.

Respectfully submitted,



Deborah R. Swank Mo. Sup. Ct. 40762
Kansas City Power & Light Company
1201 Walnut, 20th Floor
P. O. Box 418679
Kansas City, Missouri 64141-9679
(816) 556-2785
(816) 556-2787 Facsimile



James M. Fischer Mo. Sup. Ct. 27543
James M. Fischer, P.C.
101 West McCarty, Suite 215
Jefferson City, Missouri 65101
(573) 636-6758
(573) 636-0383 Facsimile

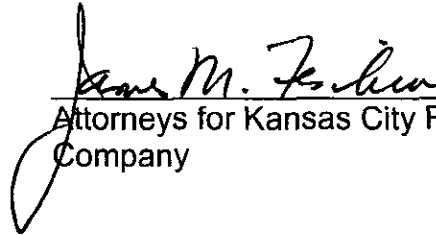
**ATTORNEYS FOR KANSAS CITY POWER &
LIGHT COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was hand-delivered to the following on this 1st day of November, 1999:

Dana K. Joyce
General Counsel
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65101

Office of the Public Counsel
P. O. Box 7800, Suite 250
Jefferson City, Missouri 65102-0250


Attorneys for Kansas City Power & Light
Company