

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

In the Matter of Kansas City Power & Light)
Company's Request for Authority to) Case No. ER-2016-0285
Implement a General Rate Increase for)
Electric Service)

**PUBLIC COUNSEL'S MOTION TO DECLASSIFY SURVEILLANCE MONITORING
REPORTS AND CERTAIN TESTIMONY DISCUSSING THOSE REPORTS AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Office of the Public Counsel ("OPC" or "Public Counsel"), pursuant to 4 CSR 240-2.135(12) and 4 CSR 240-3.161(16), and moves the Missouri Public Service Commission ("Commission") to declassify Kansas City Power & Light Company's ("KCPL") surveillance monitoring reports referenced in the testimony of Staff witnesses Majors, Lyons, and Oligschlaeger along with certain portions of those testimonies pre-filed in this case. In support, OPC states:

1. Commission rule 4 CSR 240-3.161(16) contemplates that the Commission may waive confidential designations given to surveillance monitoring reports for good cause. Counsel for KCPL has informed OPC that it is willing to consider the surveillance monitoring reports referenced in Staff's testimony as public and no longer highly confidential. Further, KCPL witness Klote at page 12 line 21 of his Surrebuttal testimony publicly references the staff's highly confidential figure based on the reports.

2. Because KCPL does not oppose treating those reports as public and because declassifying the surveillance reports will enable the parties and the Commission to discuss those reports and portions of testimony publicly, OPC asserts that good cause exists for the Commission to waive the confidential designations for the referenced surveillance reports.

3. The Surveillance reports referenced in Staff's testimony are:
 - KCPL Surveillance monitoring report 12 month period ending December 31, 2014;
 - KCPL Surveillance monitoring report 12 month period ending March 31, 2015;
 - KCPL Surveillance monitoring report 12 month period ending June 30, 2015;
 - KCPL Surveillance monitoring report 12 month period ending September 30, 2015;
 - KCPL Surveillance monitoring report 12 month period ending December 30, 2015;
 - KCPL Surveillance monitoring report 12 month period ending March 30, 2016;
 - KCPL Surveillance monitoring report 12 month period ending June 30, 2016; and
 - KCPL Surveillance monitoring report 12 month period ending September 30, 2016.
4. In addition, Commission Rule 4 CSR 240-2.135(12) allows the Commission to modify confidential designations given to pre-filed witness testimony if that designation is challenged by any party and the party asserting confidentiality does not establish the need to restrict disclosure of the information. To the extent a waiver is necessary from the ten day timeframe listed in the rule to reclassify portions of the Rebuttal testimony, Public Counsel notes that this section may also be waived for good cause shown. Commission Rule 4 CSR 240-2.135(23).
5. Public Counsel asserts good cause exists for such a waiver because KCPL agreed to consider the reports as public and has referred to the staff's highly confidential number in public testimony. The testimony is pertinent to the company's requested rate increase and so should be available to the public when possible. If the Commission declassifies the surveillance monitoring reports then the references to those reports in testimony should also be made public.
6. The portions of testimony referencing the surveillance reports that OPC moves be reclassified as public are:

Rebuttal Testimony of Keith Majors, page 4 lines 1-2, 4; page 8 lines 9-11; and page 9 line 4.

Surrebuttal Testimony of Keith Majors, page 2 lines 3-7; page 5 line 10; page 26 line 12; and Schedule KM-s1.

Rebuttal Testimony of Karen Lyons, page 12 lines 9-10; page 15 lines 8-9; and page 32 lines 17-18.

Surrebuttal Testimony of Karen Lyons, page 7 lines 15-17; page 8 line 21; page 13 lines 17-18; and page 20 line 1.

Rebuttal Testimony of Mark Oligschlaeger, page 14 lines 21-22; and page 15 lines 2-4, 7-8.

7. Declassifying the forgoing surveillance monitoring reports and associated testimony will permit the parties and the Commission to discuss this testimony during the hearing and in briefing publicly and without going in-camera. Pursuant to 4 CSR 240-2.080(14), Public Counsel requests expedited consideration of this motion and asks the Commission act on the *Motion to Declassify Surveillance Monitoring Reports and Certain Testimony Discussing Those Reports* no later than Friday February 3, 2017. Acting on this motion in an expedited manner is necessary to ensure the testimony is re-designated prior to the start of the evidentiary hearing in this case.

WHEREFORE Public Counsel respectfully requests that the Commission 1) grant OPC's request for expedited consideration, 2) re-designate the Surveillance Monitoring Reports listed in paragraph 3 as public information, and 3) re-designate the portions of testimony listed in paragraph 6 as public information.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 1st day of February 2017:

/s/ Tim Opitz