

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Joint Application)
of Great Plains Energy Incorporated,)
Kansas City Power & Light Company)
and Westar Energy, Inc. for approval) Docket No. 16-KCPE-593-ACQ
of the Acquisition of Westar Energy,)
Inc. by Great Plains Energy)
Incorporated)

KMEA, KMU, AND CITY OF INDEPENDENCE POST-HEARING BRIEF

Kansas Municipal Energy Agency (“KMEA”), Kansas Municipal Utilities (“KMU”), and the City of Independence, Missouri (“Independence”) file their post-hearing brief regarding the application of Great Plains Energy Incorporated (“Great Plains” or “GPE”) and Kansas City Power & Light Company (“Joint Applicants”) for the approval of the acquisition of Westar Energy, Inc. (“Westar”) by Great Plains. KMEA, KMU, and Independence have taken a limited role in the proceeding, but respectfully urge the Commission that, if the Joint Application is approved, all of the “hold harmless” commitments proposed by the Joint Applicants and the various Intervenors be incorporated as conditions of that approval.

KMEA, KMU, and Independence witness Joseph A. Herz provided a comparison of the commitments made by the Joint Applicants in each of the three proceedings involving the proposed transaction before this Commission, the Federal Energy Regulatory Commission (“FERC”), and the Missouri Public Service Commission (“MPSC”).¹ Mr. Herz testified that certain commitments that were included in the proceedings before FERC and MPSC were not

¹ Direct Testimony of Joseph A. Herz, pp. 18-24.

included as commitments by the Joint Applicants in this proceeding.² The Joint Applicants responded in rebuttal testimony by agreeing to many of the commitments listed by Mr. Herz.³

However, the Joint Applicants failed to include all commitments made in the other proceedings. Specifically, the Joint Applicants did not commit to provide the Commission, for a period of two (2) years, any reports or presentations made to the GPE Board of Directors regarding efficiencies. They also did not commit to provide twice annually a report on the dollar value of the efficiencies attained as a result of the transaction. These commitments were made by the Joint Applicants in the MPSC proceeding. Inclusion of these commitments would address one of KMEA, KMU, and Independence's suggestions, which is to: "Provide mechanisms for the quantification, monitoring, allocation, and verification of savings resulting from the transaction in order to safeguard against the inequitable allocation of savings by GPE."⁴

Finally, KMEA, KMU, and Independence offer two other "self-help" suggestions to address their concerns relating to reduced competition and the risk of higher capital costs if savings do not materialize or are not equitably allocated between GPE shareholders, retail, wholesale, and transmission customers of the subsidiary operating utility companies (i.e., Kansas City Power & Light Company and Westar). These "self-help" suggestions include the opportunity for network transmission customers to participate and fund a portion of future transmission improvements, and an early termination option for wholesale customers with formula rate contracts with Westar.⁵

² *Id.*

³ Rebuttal Testimony of Darren R. Ives, pp. 40-50, Schedule DRI-3.

⁴ Direct Testimony of Joseph A. Herz, p. 27.

⁵ *Id.* at pp. 26-27.

Therefore, should the Commission approve the Joint Applicants' application, KMEA, KMU, and Independence also respectfully request that these commitments be made conditions of the Commission's approval.

By:

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing was electronically served or placed in the United States mail, postage prepaid, this 13th day of March, 2017, addressed to the following:

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