

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

In the Matter of the Application of Great Plains)
Energy Incorporated, Kansas City Power &)
Light Company and Westar Energy, Inc. for) Docket No. 18-KCPE-095-MER
Approval of the Merger of Westar Energy, Inc.)
and Great Plains Energy Incorporated.)

**STAFF'S RESPONSE TO APPLICANTS' MOTION
FOR APPROVAL TO PRESENT CERTAIN WITNESSES AS A PANEL**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files its Response to Applicants’ Motion for Approval to Present Certain Witnesses as a Panel (Response). In support of its Response, Staff states as follows:

I. BACKGROUND

1. On August 25, 2017, Great Plains Energy Incorporated (GPE), Kansas City Power & Light Company (KCP&L), and Westar Energy, Inc. and Kansas Gas and Electric Company (together, “Westar”) (all parties collectively referred to herein as “Applicants”) filed an Application seeking Commission approval of the merger of GPE and Westar. The Application filing included the separate direct testimonies of GPE CEO Terry Bassham and Westar CEO Mark Ruelle.

2. Also on August 25, 2017, Applicants filed a Motion for Approval to Present Certain Witnesses as a Panel (Motion), seeking approval from the Commission to present Mr. Bassham and Mr. Ruelle together at hearing for cross-examination as a panel.

II. STAFF'S RESPONSE

3. K.A.R. 82-1-218(d) requires responsive pleadings to be served within 10 days. However, K.A.R. 82-1-202(a) allows the Commission to waive its regulations upon good cause shown and if it is in the public interest to do so.

4. Staff notes that at this stage of the proceeding, it has not thoroughly reviewed the Application such that it has not developed a position on the Application. Furthermore, parties seeking intervention in this proceeding are likely similarly situated. Without having begun the process of discovery and identifying issues that could potentially be litigated, Staff believes it is premature to determine whether a panel presentation of Mr. Bassham and Mr. Ruelle is appropriate. Therefore, Staff requests the Commission hold Applicants' request in abeyance, and permit parties to respond to Applicants' Motion later in the proceeding, after parties have had the opportunity to engage in discovery and develop a position on the Application.

5. The Application offers that a joint schedule—if such an agreed schedule can be developed—would be presented to the Commission no later than October 13, 2017.¹ Staff recommends the parties include a deadline for response to Applicants' Motion be included within such a schedule, if it can be developed.

III. CONCLUSION

WHEREFORE, for the reasons more fully set forth above, Staff respectfully requests the Commission hold Applicants' Motion for Approval to Present Certain Witnesses as a Panel in abeyance; waive the 10-day response deadline pursuant to K.A.R. 82-1-218 to permit parties additional time to respond to Applicants' Motion for Approval to Present Certain Witnesses as a Panel; and for any such further relief as the Commission deems just and proper.

¹ Application, ¶71 (Aug. 25, 2017).

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Amber Smith".

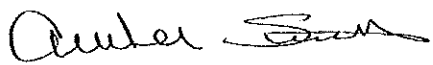
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ATTORNEYS FOR STAFF

VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)


Amber Smith, of lawful age, being duly sworn upon her oath deposes and states that she is Chief Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Staff's Response to Applicants' Motion for Approval to Present Certain Witnesses as a Panel*, and attests that the statements therein are true to the best of her knowledge, information and belief.



Amber Smith, S. Ct. #23911
Chief Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 5th day of September, 2017.





Notary Public

My Appointment Expires: 6-30-18

CERTIFICATE OF SERVICE

18-KCPE-095-MER

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Response to Applicants' Motion for Approval to Present Certain Witnesses as a Panel was served via electronic service this 5th day of September, 2017, to the following:

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