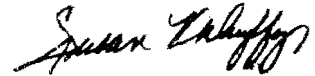


THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

AUG 04 2010



In the Matter of the Application of Kansas)
City Power & Light Company to Modify Its) Docket No. 10-KCPE-415-RTS
Tariffs to Continue the Implementation of Its)
Regulatory Plan.)

**CURB'S REPLY TO KCPL'S RESPONSE TO
CURB'S MOTION TO ALLOW ADDITIONAL LIVE
DIRECT EXAMINATION OR TO STRIKE PORTIONS OF
THE REBUTTAL TESTIMONY OF KCPL WITNESS TIM RUSH**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB"), and files this reply to Kansas City Power & Light's ("KCPL") Response to CURB's Motion to Allow Additional Live Direct Examination to Address KCPL's New Rate Design Proposal, or in the Alternative, Strike Portions of the Rebuttal Testimony of KCPL Witness Tim Rush and Motion for Expedited Treatment ("KCPL Response"). In support of its reply, CURB states as follows:

1. In KCPL's Response, KCPL correctly notes the proper purpose and scope of rebuttal testimony: "[i]t may be used to explain, repel, counteract, or disprove testimony or facts introduced by or on behalf of the adverse party."¹ KCPL further states that it "*contends* that Mr. Rush's proposed rate design qualifies as proper rebuttal under this definition, as it is an attempt to repel or counteract the proposals submitted by CURB witness Kalcic."²

2. KCPL's *contention* is without merit. Mr. Rush's "alternative" rate design proposal does not repel or counteract Mr. Kalcic's proposals in any respect; it constitutes an entirely new ("alternative") rate design proposal being sponsored by Mr. Rush for consideration by the Commission to be used *in place of the rate design contained in the Company's Application*.

¹ *State v. Vontress*, 266 Kan. 248, 254 (1988).

² KCPL Response, ¶ 11.

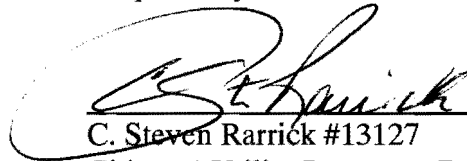
Regardless of how the Company attempts to spin the new alternative rate design proposal, it constitutes new evidence - a new alternative rate design proposal offered in place of the rate design contained in the Company's Application.

3. Furthermore, this new, alternative rate design *does* significantly modify the rate design proposed in the Company's Application, despite KCPL's protestations to the contrary. It significantly alters the winter rate design contained in the Company's Application.

4. Contrary to KCPL's assertions, CURB is *not* asking that KCPL's new alternative rate proposal be denied consideration in this docket.³ To the contrary, CURB simply seeks to preserve its due process rights – the opportunity to present evidence and testimony in response to this newly-offered alternative rate design.

5. CURB attempted to informally resolve this issue with KCPL prior to filing its motion, but KCPL refused to consider CURB's request. Parties should not be limited to mere cross-examination of Mr. Rush on this new rate design proposal. Due process requires an opportunity to respond to this new evidence and substantial modification of KCPL's Application. In the alternative, the Commission should strike the portions of Mr. Rush's rebuttal testimony and schedule related to his alternative rate design proposal (Rush R., p. 23, lines 4-22; Schedule TMR2010-5).

Respectfully submitted,



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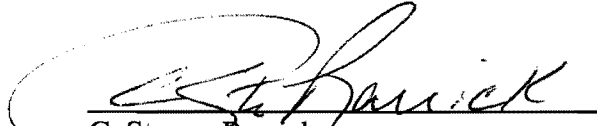
³ KCPL Response, ¶ 13.

VERIFICATION

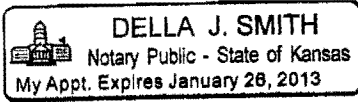
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

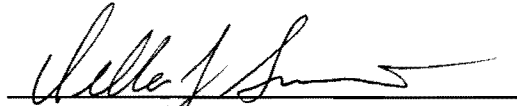
I, C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the above named petitioner; that he has read the above and foregoing document, and, upon information and belief, states that the matters therein appearing are true and correct.


C. Steven Rarrick

SUBSCRIBED AND SWORN to before me this 4th day of August , 2010.




Notary Public

My Commission expires: 01-26-2013.

CERTIFICATE OF SERVICE

10-KCPE-415-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, electronic service, or hand-delivered this 4th day of August, 2010, to the following:

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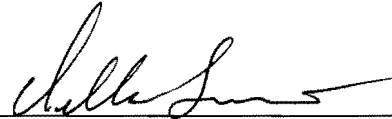
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