

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of a General Investigation of )  
Kansas City Power & Light Company's All ) Docket No. 16-GIME-576-GIE  
Electric Residential Rates. )

**CURB'S MOTION FOR PROTECTIVE ORDER & DISCOVERY ORDER**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB"), hereby moves the Corporation Commission of the State of the Kansas ("Commission") for an issuance of a Protective Order and Discovery Order in the above-captioned proceeding.

1. On June 21, 2016, the Kansas Corporation Commission issued an Order opening this docket to investigate Kansas City Power & Light Company's All Electric Residential Rates.

2. On October 17, 2016, the Commission granted CURB intervention in the above mentioned docket.

3. The Commission's rules of practice and procedure provide for discovery of matters which are clearly relevant to the proceeding involved.<sup>1</sup> Discovery may be limited by the Commission or presiding officer in its discretion.<sup>2</sup>

4. The Commission has issued protective orders & discovery orders in several dockets involving general investigations of various utility matters.<sup>3</sup> In each of these matters, the Commission

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<sup>1</sup> K.A.R. 82-1-234a (2009).

<sup>2</sup> Id.

<sup>3</sup> See, for example, Docket No. 16-GIME-404-GIE, Order Designating Prehearing Officer; And Protective and Discovery Order (July 12, 2016); Docket No. 15-GIMX-344-GIV, Discovery And Protective Order; Order Designating Prehearing Officer; Order Granting The Citizens' Utility Ratepayer Board's Petition To Intervene (March 10, 2015); and Docket No. 15-GIMG-343-GIG, Order Setting Procedural Schedule, Discovery Order and Protective Order (November 3, 2015).

has concluded that formalizing discovery procedures and clarifying the obligations of the parties will help ensure a full and efficient investigation of the issues in the docket.<sup>4</sup>

4. Kansas courts have recognized that “discovery has a vital role in our code of civil procedure.”<sup>5</sup> The purposes of discovery rules include the formalization of an effective means: To make available to the parties, in a simple, convenient and inexpensive way, facts which otherwise could not be proved except with great difficulty; to simplify and narrow the issues involved in a judicial proceeding; and to expedite and facilitate both preparation and trial.<sup>6</sup>

5. Good cause exists for the issuance of a discovery order in this docket. Formalizing discovery procedures and clarifying the obligations of the parties will help ensure a full and efficient investigation of the issues in this docket. Indeed, CURB believes that through discovery in this docket it will illicit facts which it could not reasonably obtain in the absence of a discovery order and which will expedite and facilitate preparation and the hearing in this matter. The issuance of a discovery order will not prejudice the rights of any party herein.

6. In addition, it is highly likely that certain information sought through discovery and provided to the Commission, Commission Staff or other parties in this investigation might be claimed as, or considered, confidential. Therefore the issuance of a protective order in this docket is necessary to protect the rights of the parties herein with respect to confidential facts and documents furnished in connection with discovery.

7. CURB requests that the substance of the Discovery Order & Protective Order in this docket follow those discovery and protective order provisions which the Commission has issued in Docket No. 16-GIME-403-GIE, or substantially similar provisions. CURB has consulted with Staff of the

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<sup>4</sup> Id.

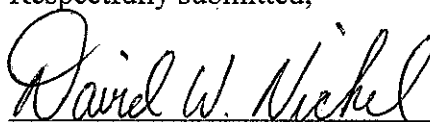
<sup>5</sup> *Alseike v. Miller*, 196 Kansas 547, 554, 412 P.2d 1007 (1966).

<sup>6</sup> *Vickers v. City of Lawrence*, 216 Kan. 84, 90, 531 P.2d 113 (1975)

Kansas Corporation Commission, Kansas City Power & Light Company and other parties in this docket and these parties have not expressed any objection to this motion.

WHEREFORE, CURB RESPECTFULLY REQUESTS THAT the Commission issue the requested Protective Order and Discovery Order in this docket and grant such other relief as the Commission deems appropriate.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

16-GIME-576-GIE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 16<sup>th</sup> day of May, 2017, to the following parties:

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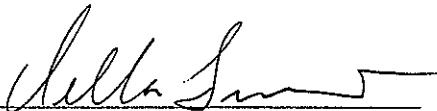
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