

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

AUG 02 2010

In the Matter of the Application of Kansas)
City Power & Light Company to Modify Its)
Tariffs to Continue the Implementation of Its)
Regulatory Plan.)

Docket No. 10-KCPE-415-RTS



**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**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB"), and files this 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 Tim Rush, prefiled with the Commission on July 26, 2010, on behalf of Kansas Power & Light Company ("KCPL"). CURB additionally seeks expedited treatment of its motion. In support of its motion, CURB states as follows:

1. On July 26, 2010, KCPL prefiled rebuttal testimony of twenty (20) witnesses, consisting of nearly 3,000 pages of testimony and exhibits.

2. The Rebuttal Testimony of Tim Rush filed on July 26th offers a new rate design that was not contained in the Company's Application or Mr. Rush's Direct Testimony and significantly modifies the Company's Application.¹ Mr. Rush alleges this "alternative" rate design would "move the Residential winter rates closer to cost with revenue-neutral adjustments to the remaining components."²

¹ Rebuttal Testimony of Tim Rush, Schedule TMR2010-5.

² *Id.*, p. 23, lines 10-14.

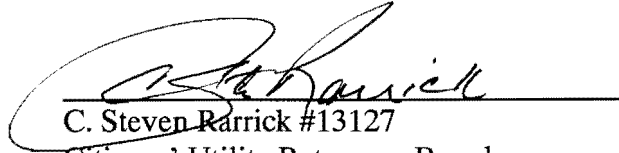
3. Mr. Rush's new rate design proposal constitutes new evidence rather than rebuttal to another party's evidence. Further, it also constitutes a significant modification to KCPL's Application. The procedural schedule governing this proceeding does not allow or contemplate new evidence and significant modifications to the Company's Application in rebuttal testimony, nor does it provide an opportunity, or adequate time, for Staff, CURB, or other Intervenors to respond to significant modifications to the Company's Application.

4. By offering its new rate design this late in the proceeding (three weeks prior to the August 16th hearing date) through rebuttal testimony, KCPL effectively denies CURB and other parties the opportunity to respond to or address the new rate design option in testimony. Moreover, the time required to review the sheer volume of the Company's rebuttal testimony (nearly 3,000 pages) and prepare for the upcoming hearing, prevents CURB and other parties from seeking leave to file supplemental testimony.

5. While CURB believes it would be reasonable to simply ask the Commission to strike the Company's new rate design proposal, CURB seeks a less punitive measure: allow CURB and other parties the opportunity to address KCPL's new rate design option with their rate design witnesses through additional direct examination questions when presenting the testimony of their witnesses at the hearing. Allowing CURB the opportunity to allow its rate design witnesses to respond to the Company's new rate design proposal is reasonable given the timing of the proposal and the extent to which the proposal modifies the Company's Application.

6. In the alternative, CURB requests that the Commission 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,

A handwritten signature in black ink, appearing to read "C. Steven Rarrick", is written over a solid horizontal line. The signature is fluid and cursive.

C. Steven Rarrick #13127

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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 2nd day of August, 2010, to the following:

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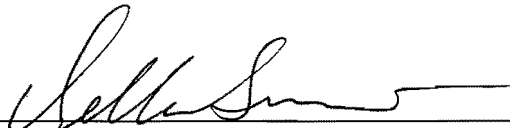
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