

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

MOTION OF THE KANSAS POWER POOL ("KPP")
TO FILE A RESPONSIVE BRIEF BASED UPON STATEMENTS
IN THE REPLY BRIEF OF JOINT APPLICANTS'

1. The Kansas Power Pool ("KPP"), a municipal energy agency, hereinafter referred to as "KPP" files this Motion with attached responsive brief requesting that the Commission receive and consider it in its decisions to be made in this docket.

In support of said Motion, counsel would allege and state as follows:

1. KPP has been an intervenor in this proceeding and filed Testimony through its witness, Larry W. Holloway, on the 16th day of December 2016, and a Brief of its position on the 13th day of March, 2017.

2. A review of that Brief reveals that KPP raised twelve (12) distinct issues through Larry W. Holloway's Testimony, that Larry W. Holloway's Testimony was admitted into the record without objection, qualification or cross-examination, and that no issue had been taken with that Testimony in the record of these proceedings. A copy of the twelve issues is attached in its entirety as Appendix "A".

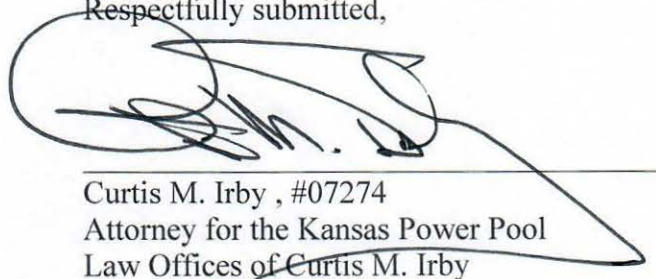
3. However, in Joint Applicants' Reply Brief, in particular at Pages 107 and 108, Joint Applicants' claim, in essence, that KPP's issues are not within the Commission's jurisdiction.

4. KPP believes that the Commission in a merger proceeding has broad latitude to consider issues brought before it by affected parties. The Commission is weighing matters such as public policy, harm to the public, and harm to parties who have contracted with one entity now being merged with another. KPP believes that the Commission should accept this Brief and the arguments contained in this and the previous Brief filed on the 13th day of March, 2017.

5. The record in this proceeding reflects that no objection was made to Mr. Holloway's Testimony by either Joint Applicant at the time it was spread upon the record and cross-examination was waived.

KPP respectfully requests that the Commission accept the attached Brief on behalf of KPP and that it be made a part of the consideration and deliberation of the Commission in this proceeding.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "C. M. Irby", is written over a horizontal line. The signature is stylized and cursive.

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CERTIFICATE OF SERVICE

I, Curtis M. Irby, hereby certify that on the 5th day of April, 2017, a true and correct copy of the above and foregoing Motion of the Kansas Power Pool ("KPP") to File a Responsive Brief Based Upon Statements in the Reply Brief of Joint Applicants' Motion to File Responsive Brief has been served electronically upon all the parties on the Commission's electronic service list, a copy of which is attached hereto.

Respectfully submitted,



Curtis M. Irby, #07274
Attorney for the Kansas Power Pool

APPENDIX "A"

KPP's summarized conditions to approval of the GPE acquisition points 1-12 of Mr. Holloway's Testimony filed in this docket:

1. Westar meets its obligations under the creditworthiness provisions of the KPP/Westar Jeffrey Energy Center participation agreement;
2. Westar continue classification of its 34.5 kV facilities as transmission facilities under the SPP OATT;
3. Require Joint Applicants to meet with transmission dependent utilities on Westar's system, specifically municipal electric utilities and cooperatives, and develop a 10-year plan for improvements on Westar's 34.5 and 69 kV system;
4. GPE (or Westar) to continue Westar's efforts to remove the import limits from KPP's NITSA;
5. Require GPE and its affiliates to meet their 06-202 commitments regarding Kansas municipal's ownership of transmission;
6. Wholesale Distribution Service for Westar transmission customers following the Acquisition will have lower or equal carrying charges in the future and that the same method should be used to allocate wholesale distribution costs;
7. Require the acquired Westar to continue to work with municipal electric utilities that desire to purchase the local Westar distribution substations serving those communities;
8. Require that Westar (or GPE) continue to work with Kansas communities involved in the transfer of retail service or franchise agreements;
9. Require Westar (or GPE) to continue Westar's current MAA service without charge;
10. Require Westar (or GPE) to continue Westar transmission annual joint planning meetings;
11. Require Westar (or GPE) to maintain its ability to provide services under the Dogwood EMA; and
12. Westar (or GPE) should not abandon Westar's 777 West Central, Wichita, Kansas data facility.



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