

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

Before Commissioners: Thomas E. Wright, Chairman
 Joseph F. Harkins
 Ward Loyd

In the Matter of the Application of Kansas)
City Power & Light Company for Approval to)
Implement a Portfolio of Demand Side)
Management Programs Including)
Affordability, Energy Efficiency, Demand)
Response and Educational Programs, and to)
Implement a Rider for Recovery of Program)
Costs and Incentives Associated with this)
Portfolio.)

Docket No: 10-KCPE-795-TAR

**ORDER DESIGNATING PREHEARING OFFICERS
AND SETTING PREHEARING CONFERENCE**

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The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and being fully advised of all matters of record, the Commission summarizes the arguments of the parties and finds and concludes as follows:

I. Introduction

1. On June 11, 2010, Kansas City Power & Light Company (KCP&L) filed an Application seeking approval of its portfolio of Demand-Side-Management (DSM) programs, including affordability, energy-efficiency, demand-response and educational programs. Application, June 11, 2010, ¶ 14 (Application, ¶ 14). KCP&L also proposed a new DSM Rider to be applicable to all of KCP&L’s DSM programs proposed in the Application, and would also

be applicable to all future DSM programs as may be proposed by KCP&L and approved by the Commission, including a performance incentive mechanism as part of the new DSM Rider through a shared incentive mechanism that balances the interests of the shareholders with those of KCP&L's customers. Application, ¶¶ 17-18, 27, 30. KCP&L also requested approval for the portfolio of DSM programs included in the Application in compliance with certain requirements in Docket No. 08-GIMX-441-GIE (441 Docket).

2. KCP&L noted that it is a vertically integrated electric public utility under the jurisdiction of the Commission, and that it is engaged in generation, transmission, distribution and sale of electric energy to the public, as laid out in K.S.A. 66-104, in legally designated areas in Kansas. KCP&L is authorized to engage in utility business and has been issued a Certificate of Convenience and Authority by the Commission. Application, ¶ 2.

3. The Citizens' Utility Ratepayer Board has filed a Petition to Intervene on June 15, 2010. The Prehearing Officer designated in this Order will address this and any additional petitions to intervene.

4. The Commission has jurisdiction over KCP&L's Application under K.S.A. 66-117 and K.A.R. 82-1-231. Applicant filed information required by K.A.R. 82-1-231. In this Order, the Commission designates prehearing officers and sets a prehearing conference to discuss a procedural schedule.

II. Prehearing Conference

5. Having reviewed the Application, the Commission finds that prehearing officers should be designated and a prehearing conference set to allow parties to present arguments, if any, regarding issues and to develop a procedural schedule to recommend to the Commission.

The Commission recognizes that the 240-day deadline for Suspension Order runs on February 7, 2011.

6. During the Prehearing Conference, parties shall be prepared to discuss deadlines for filing of testimony and briefs and possible dates for an evidentiary hearing with the Commission presiding, as well as potential dates for a public hearing or hearings, should the Commission desire to hold a public hearing or hearings. The parties shall also be prepared to discuss the request by KCP&L in paragraph 38 of the Application, whereby KCP&L states that in the event the Commission does not approve the proposal in its entirety, KCP&L reserves the right to withdraw the proposal and may allow its existing programs to terminate with the expiration of the Stipulation and Agreement covering KCP&L's Comprehensive Energy Plan approved by the Commission in Docket No. 04-KCPE-1025-GIE.

A. Designating Prehearing Officers

7. Although the Commission will conduct the evidentiary hearing in this docket, the Commission designates a prehearing officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that are appropriately considered in a prehearing conference, including all items listed in the Kansas Administrative Procedure Act (KAPA) at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of evidence and cross-examination; rulings regarding issuance of subpoenas; discovery orders and

protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing. The Commission designates Melissa Doeblin, Advisory Counsel, telephone number 785-271-3186, email address m.doeblin@kcc.ks.gov, and Patti Petersen-Klein, Advisory Counsel, telephone number 785-271-3218, email address p.petersen-klein@kcc.ks.gov, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, to act as Prehearing Officers in this proceeding. K.S.A. 2009 Supp. 77-514; K.S.A. 77-516; K.S.A. 2009 Supp. 77-551. The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

B. Notice of Prehearing Conference

8. Having concluded that a prehearing conference is needed to discuss scheduling, the Commission sets a Prehearing Conference for July 12, 2010, beginning at 9:30 a.m. and concluding by 11:00 a.m., in the Third Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. This Prehearing Conference will focus on issues that relate to development of a procedural schedule for this docket and other matters as laid out in paragraph 6 above. Parties should be prepared to discuss discovery procedures and any other prehearing issues that will promote the orderly and prompt conduct of this proceeding. K.S.A. 77-517; K.A.R. 82-1-222. Any party who fails to attend or participate in the Prehearing Conference, hearing or other stage of this proceeding may be held in default under the KAPA. K.S.A. 77-516(c)(8); K.S.A. 77-520. At the prehearing conference, this proceeding, without further notice, may be converted into a conference hearing or a summary proceeding for disposition of the matter as provided by the KAPA. K.S.A. 77-516(c)(7).

III. Agency Attorneys of Record

9. The attorneys designated to appear on behalf of the agency in this proceeding are Matt Spurgin, telephone number 785-271-3279, email address m.spurgin@kcc.ks.gov; and

Patrick Smith, telephone number 785-271-3173, email address p.smith@kcc.ks.gov, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. K.S.A. 2009 Supp. 77-518(c)(2); K.S.A. 77-516(c)(2).

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission appoints Melissa Doeblin and Patti Petersen-Klein to act as Prehearing Officers and directs parties to attend the Prehearing Conference on July 12, 2010, beginning at 9:30 a.m. and concluding by 11:00 a.m., in the Third Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, as described above in paragraphs 5 through 8. Parties should be prepared to discuss deadlines for filing of testimony and briefs and possible dates for an evidentiary hearing with the Commission presiding, as well as potential dates for a public hearing or hearings, should the Commission desire to hold a public hearing or hearings. Parties should also be prepared to discuss the request by KCP&L in paragraph 38 of the Application, whereby KCP&L states that in the event the Commission does not approve the proposal in its entirety, KCP&L reserves the right to withdraw the proposal and may allow its existing programs to terminate with the expiration of the Stipulation and Agreement covering KCP&L's Comprehensive Energy Plan approved by the Commission in Docket No. 04-KCPE-1025-GIE.

B. This is a procedural order and constitutes nonfinal agency action. K.S.A. 77-607(b)(2). Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2009 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chairman; Harkins, Commissioner; Loyd, Commissioner

ORDERED MAILED

Dated: **JUL 02 2010**

JUL 02 2010

Susan K. Duffy EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

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