

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

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Application of Kansas)
City Power & Light Company for Approval to) Docket No: 11-KCPE-780-TAR
Transition to Permanent Status Certain)
Demand Side Management Programs.)

**ORDER DESIGNATING PREHEARING OFFICER
AND SETTING PREHEARING CONFERENCE**

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 May 27, 2011, Kansas City Power & Light Company (KCP&L) filed an Application for approval of its proposed portfolio of demand-side-management (DSM) programs. Application of Kansas City Power & Light Company for Approval to Transition to Permanent Status Certain Demand Side Management Programs, May 27, 2011 (Application). KCP&L is a vertically integrated electric public utility under the jurisdiction of the Commission and is engaged in the generation, transmission, distribution and sale of electric energy to the public within the meaning of K.S.A. 66-104, in legally designated areas of Kansas. Application, ¶ 1.

2. KCP&L has implemented a number of DSM programs, which it committed to develop in a Stipulation and Agreement approved by the Commission in Docket No. 04-KCPE-1025-GIE (1025 S&A), and has recovered costs associated with Commission-approved programs

through an energy-efficiency rider (EER). Application, ¶¶ 2, 4. In this Application, KCP&L requests Commission approval to continue six of its DSM programs as permanent programs, with some modifications. The programs are: (1) Low Income Weatherization, (2) Home Energy Analyzer, (3) Business Energy Analyzer, (4) Building Operator Certification, (5) Energy Optimizer, and (6) MPower. Application, ¶ 5. KCP&L does not request any changes to the EER mechanism for recovery of costs associated with the programs. Application, ¶ 11.

II. Prehearing Conference

3. Having reviewed the Application, the Commission finds that a prehearing officer 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.

4. 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 or evidentiary hearing.

5. Although the Commission would 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, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, telephone number 785-271-3186, email address m.doeblin@kcc.ks.gov to act as Prehearing Officer in this proceeding. K.S.A. 2010 Supp. 77-514; K.S.A. 77-516; K.S.A. 2010 Supp. 77-551. The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

6. Having concluded that a prehearing conference is needed to discuss scheduling, the Commission sets a Prehearing Conference for July 19, 2011, beginning at 9:00 a.m. and concluding by 10:30 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 set forth 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 Attorney of Record

7. The attorney designated to appear on behalf of the agency in this proceeding is Matthew Spurgin, telephone number 785-271-3279, email address m.spurgin@kcc.ks.gov, 1500

SW Arrowhead Road, Topeka, Kansas 66604-4027. K.S.A. 2010 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 to act as Prehearing Officer and directs parties to attend the Prehearing Conference on July 19, 2011, beginning at 9:00 a.m. and concluding by 10:30 a.m., in the Third Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, as described above. 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 or evidentiary hearings, should the Commission desire to hold a public or evidentiary hearing.

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. 2010 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.

Sievers, Chairman; Loyd, Commissioner; Wright, Commissioner

Dated: JUL 06 2011



ORDER MAILED JUL 07 2011
Patrice Petersen-Klein
Executive Director

mrd

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
GLENDA CAFER, ATTORNEY CAFER LAW OFFICE, L.L.C. 3321 SW 6TH STREET TOPEKA, KS 66606		
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DENISE M. BUFFINGTON, CORPORATE COUNSEL KANSAS CITY POWER & LIGHT COMPANY ONE KANSAS CITY PLACE 1200 MAIN STREET (64105) P.O. BOX 418679 KANSAS CITY, MO 64141-9679		

ORDER MAILED JUL 07 2011

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
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MATTHEW SPURGIN, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED JUL 07 2011

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.