

2. As KIC recites in its Motion, the Commission issued the schedule in this matter in its *Order Setting Procedural Schedule* dated November 21, 2017 (“Scheduling Order”). Consistent with its practice in prior cases — many of which counsel for KIC has been a participant — the Commission set a deadline for the filing of a settlement and for the filing of testimony in support of and opposition to the settlement. In this proceeding, the Commission required any settlement to be filed on or before March 7, 2018, with testimony in support of and in opposition to the settlement due on March 12, 2018. KIC and every other party to this proceeding, had the

opportunity to seek a change to the schedule by filing a Petition for Reconsideration (“PFR”) to the Scheduling Order. However, neither KIC nor any other party filed a PFR and the Scheduling Order therefore became final on December 6, 2017. KIC’s Motion is, in essence, a collateral attack on the Scheduling Order and should be rejected for that reason alone.

3. Moreover, KIC has not provided any credible reason for modifying the Commission-approved schedule. KIC stated that it “fully participated, in good faith, in these [settlement] discussions to the extent it was invited to attend.” KIC Motion, at ¶2. However, that is not quite accurate. Although KIC was an active participant in settlement discussions for the first several days of settlement discussions, KIC voluntarily absented itself from such discussions as the other parties came closer to finalizing their agreement. Nevertheless, despite KIC’s absence from settlement discussions, the parties continued to keep KIC apprised of the state of discussions and shared each and every draft of the settlement points with its counsel. In fact, Applicants provided KIC counsel the final version of the parties’ agreements on March 3, 2018. Thus, contrary to KIC’s contentions, just as the proponents of the settlement could begin to draft testimony before the settlement was filed, so could KIC.

4. Finally, it should be noted that the procedures adopted in this proceeding are consistent with the provisions concerning filing of and objecting to settlements before the Commission set forth in K.A.R. 82-1-230a(c). That provision of the Commission’s rules provides that “Each party objecting to the settlement agreement shall file a written objection within 10 days after the filing of the settlement agreement or within a shorter time as directed by the commission.” In other words, the protest – or testimony in opposition – is to be filed in response to the settlement not in response to the testimony of other parties. Given that the procedure adopted in this proceeding comports with the provisions of the Commission’s rules, KIC has provided no basis

for modifying the procedure adopted by the Commission – with no contemporaneous objection from KIC – early in the course of this proceeding.

**WHEREFORE**, Applicants respectfully request that the Commission reject KIC's Motion to Extend Deadline for Testimony in Opposition to Settlement Agreement.

Respectfully submitted,

/s/ Robert J. Hack

Robert J. Hack (#12826)  
Telephone: (816) 556-2791  
Roger W. Steiner (#26159)  
Telephone: (816) 556-2314  
Kansas City Power & Light Company  
1200 Main Street, 19<sup>th</sup> Floor  
Kansas City, Missouri 64105  
Facsimile: (816) 556-2110  
Email: [rob.hack@kcpl.com](mailto:rob.hack@kcpl.com)  
Email: [roger.steiner@kcpl.com](mailto:roger.steiner@kcpl.com)

/s/ Glenda Cafer

Glenda Cafer (#13342)  
Telephone: (785) 271-9991  
Terri Pemberton (#23297)  
Telephone: (785) 232-2123  
CAFER PEMBERTON LLC  
3321 SW 6<sup>th</sup> Avenue  
Topeka, Kansas 66606  
Facsimile: (785) 233-3040  
Email: [glenda@caferlaw.com](mailto:glenda@caferlaw.com)  
Email: [terri@caferlaw.com](mailto:terri@caferlaw.com)

**ATTORNEYS FOR GREAT PLAINS ENERGY INCORPORATED AND KANSAS CITY POWER & LIGHT COMPANY**

/s/ Cathryn J. Dinges

Cathryn J. Dinges (#20848)  
Telephone: (785) 575-1986  
818 S. Kansas Avenue  
P.O. Box 889  
Topeka, Kansas 66601  
Facsimile: (785) 575-8136  
Email: [cathy.dinges@westarenergy.com](mailto:cathy.dinges@westarenergy.com)

/s/ Martin J. Bregman


Martin J. Bregman (#12618)  
Telephone: (785) 760-0319  
Bregman Law Office, L.L.C.  
311 Parker Circle  
Lawrence, KS 66049  
Email: [mjb@mjbregmanlaw.com](mailto:mjb@mjbregmanlaw.com)

**ATTORNEYS FOR WESTAR ENERGY, INC. AND KANSAS GAS AND ELECTRIC COMPANY**

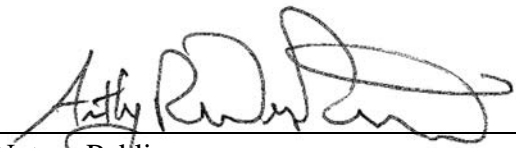
STATE OF MISSOURI       )  
  ) ss.  
COUNTY OF JACKSON     )

I, Darrin R. Ives, being duly sworn, on oath state that I am Vice President – Regulatory Affairs of Kansas City Power & Light Company, that I have read the foregoing *Response of Applicants to Motion of Kansas Industrial Consumers Group, Inc. to Extend Deadline for Testimony in Opposition to Settlement Agreement* and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

GREAT PLAINS ENERGY INCORPORATED

By:   
Darrin R. Ives

The foregoing was subscribed and sworn to before me this 7<sup>th</sup> day of March, 2018.

  
Notary Public

My Commission Expires:

4/26/2021



**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the above and foregoing *Response of Applicants to Motion of Kansas Industrial Consumers Group, Inc. to Extend Deadline for Testimony in Opposition to Settlement Agreement* has been electronically served this 7<sup>th</sup> day of March, 2018 to all counsel of record in this case constituting official service and no hard copy will follow.

/s/ Robert J. Hack

Counsel for Kansas City Power & Light Company