

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

In the Matter of the Application of Great)
Plains Energy Inc., Kansas City Power &)
Light Co., and Westar Energy, Inc. for) Docket No. 18-KCPE-095-MER
Approval of the Merger of Westar)
Energy, Inc. and Great Plains Energy Inc.)

**MOTION OF KANSAS ELECTRIC POWER COOPERATIVE, INC.
TO ENLARGE TIME FOR RESPONSE TO APPLICANTS' MOTION TO COMPEL**

COMES NOW, Kansas Electric Power Cooperative, Inc. ("KEPCo") and respectfully moves to enlarge the time to respond to the Motion to Compel filed in this docket on December 6, 2017 ("Motion") by Great Plains Energy Incorporated ("GPE"), Kansas City Power & Light Company, Westar Energy, Inc. ("Westar"), and Kansas Gas and Electric Company (all parties collectively referred to herein as "Applicants"). In support of this Motion, KEPCo states as follows:

1. Applicants commenced these proceedings on August 25, 2017, for the purpose of requesting the Commission's approval of a \$14 billion merger-of-equals transaction to consolidate the companies.¹ On August 28, 2017, KEPCo petitioned to intervene in the proceedings.² The Commission granted KEPCo's unopposed petition on September 12, 2017.³

¹ See Application, *In re of the Application of Great Plains Energy Inc., Kansas City Power & Light Company, and Westar Energy, Inc. for Approval of Merger*, Docket No. 18-KCPE-095-MER (filed Aug. 25, 2017).

² Petition of Kansas Electric Power Cooperative, Inc. to Intervene, *In re Merger Application*, Docket No. 18-KCPE-095-MER (filed Aug. 28, 2017).

³ See Order Granting Intervention to Kansas Electric Power Cooperative, Inc., *In re Merger Application* Docket No. 18-KCPE-095-MER (issued Sept. 12, 2017).

2. Also on September 12, 2017, the Commission issued an order which, *inter alia*, set forth the scope of discovery, formalized discovery procedures, and clarified parties' obligations with respect to the discovery process.⁴ The Discovery Order provides that a party seeking discovery may file a motion to compel with the Commission, if the parties are not able to resolve their dispute by negotiation. Responses to motions to compel are to be filed within three days.

3. Applicants issued 28 discovery requests to KEPCo, and KEPCo timely objected to several of those requests. The parties negotiated in good faith to resolve their differences, but were unable to reach agreement. On December 6, Applicants filed a 66-page (116 pages with attachments) motion to compel responses to discovery requests numbered GPE-1(b), GPE-2 through GPE-4, GPE-7, and GPE-9 through GPE-19. Pursuant to the Discovery Order, KEPCo is required to file its response on December 11, 2017.

4. KEPCo respectfully requests that the Commission extend the period of time for KEPCo to respond to the Motion to December 20, 2017, to provide additional time to KEPCo. KEPCo contacted counsel for Applicants, and Applicants have authorized the undersigned to represent that they do not oppose the extension of time requested. Applicants have further requested that, in light of the extension requested, that KEPCo not oppose a filing of Applicants' reply on January 3, 2017. KEPCo will not oppose Applicants' request.


5. Good cause exists for the Commission to grant KEPCo's request.⁵ Applicants' motion is voluminous. The three-day response time is not sufficient in these circumstances for KEPCo to thoroughly review each of Applicants' many arguments and to prepare its complete and considered response. Granting KEPCo's motion will not interfere with the procedural

⁴ See Order Designating Prehearing Officers; Granting Intervention to the Citizens' Utility Ratepayer Board; and Protective and Discovery Order, *In re Merger Application*, Docket No. 18-KCPE-095-MER (Sept. 12, 2017).

⁵ See K.A.R. § 82.1-217 (b).

schedule established for this proceeding, nor will it prejudice or cause undue hardship to any parties to this proceeding. The Commission can immediately issue an Order granting the Motion because Applicants do not oppose the Motion.

WHEREFORE, due to the facts and circumstances set forth herein, KEPCo respectfully requests that the Commission issue an order granting its motion to enlarge the time for response, setting a December 20, 2017, date for KEPCo's reply.



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VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SHAWNEE) ss:

William G. Riggins, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the above named petitioner, that he has read the above and foregoing, and upon information and belief, states that the matters therein appearing are true and correct.



William G. Riggins

SUBSCRIBED AND SWORN to before me this 8th day of December, 2017.



Notary Public

My Commission expires 2/24/2021



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing was electronically served or placed in the United States mail, postage prepaid, this 9th day of December, 2017, addressed to the following:

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