

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

STATE CORPORATION COMMISSION

APR 20 2009

Susan K. Duffy Docket Room

In the Matter of the General Investigation)
into Commission Policy Regarding)
Pension and Retirement Costs for)
Investor-Owned Utilities.)

Docket No. 07-GIMX-1041-GIV

**MOTION OF KANSAS CITY POWER & LIGHT COMPANY
FOR A DATE BY WHICH RESPONSIVE COMMENTS ARE TO BE FILED**

COMES NOW Kansas City Power & Light Company (“KCP&L”) and requests the Commission set April 30, 2009 as the date by which the parties are required to file comments in response to Staff’s Report and Recommendation submitted to the Commission on March 18, 2009 (“Staff’s Motion). In support of its request, KCP&L states as follows:

1. KCP&L does not believe that the filing of Staff’s Report triggered a legal deadline for filing responsive comments. K.A.R. 82-1-218(d) provides that,

Any party may file and serve a protest, motion, or other proper pleading within 10 days after service upon that party of any *application, petition, notice, formal complaint, supplemental complaint or amended complaint.* (Emphasis added.)

A Staff Report and Recommendation is not an “application, petition, notice, formal complaint, supplemental complaint or amended complaint”, and therefore, the 10-day response period is not applicable. However, in paragraph 15 of the Report, Staff stated,

Due to the complexity of the issues presented in this docket, Staff further suggests that the Commission allow the parties 30 days, from the date of filing of this Report and Recommendation, to submit their comments to the Commission.”

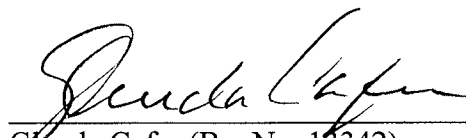
Thirty days from the date Staff filed its Report is April 20, 2009.

2. Since the 10-day period of K.A.R. 82-1-218(d) is not applicable, the utilities’ time for filing their responses has not begun to run, and will not run until the Commission issues an

Order setting forth the date by which responses must be filed.¹ The Commission has not issued an Order adopting Staff's recommendation in this regard or otherwise establishing a deadline for filing comments. As such, KCP&L does not believe comments are due to be filed April 20th. However, because of the ambiguity now existing in the record on this point, KCP&L is filing this formal motion requesting that the Commission set April 30, 2009 as the filing date for responsive comments.

3. In the alternative, if the Commission determines that Staff's Report does fall under K.A.R. 82-1-218(d), then KCP&L requests an extension of the 10-day period until April 30, 2009.

Respectfully submitted,



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¹ Even if the 10-day response period were applicable, Staff's suggestion to the Commission that the time be extended to 30 days would not have accomplished that extension. So technically, the parties' time to respond would have already run on March 31st.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion of KCPL was mailed, postage prepaid, this 20th day of April, 2009 to:

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