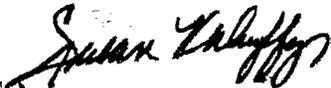


THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Petition of Kansas City)
Power & Light Company ("KCP&L") for) Docket No. 11-KCPE-581-PRE
Determination of the Ratemaking Principles)
and Treatment that Will Apply to Recovery)
in Rates of the Cost to be Incurred by)
KCP&L for Certain Electric Generation)
Facilities Under K.S.A. 66-1239.)

STATE CORPORATION COMMISSION

APR 20 2011



**CURB'S RESPONSIVE COMMENTS TO
PREHEARING OFFICER'S REPORT & RECOMMENDATION**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and submits CURB's responsive comments to the Prehearing Officer's Report and Recommendation filed April 13, 2011.

I. BACKGROUND

1. CURB will not unnecessarily repeat the history of the proposed schedules, but instead adopts and incorporates herein the recitation contained in Staff's Responsive Comments to Prehearing Officer's Report and Recommendation ("Staff's Responsive Comments") filed earlier today, April 20, 2011, paragraphs 2 through 9.

2. CURB concurs with Staff that the revised proposed evidentiary hearing dates have been compressed to the point that the resulting prehearing schedule is unworkable, unreasonable, and prejudicial.

3. CURB shares Staff's concern that this docket involves complex technical and policy issues and over \$1 billion in proposed capital upgrades that ratepayers will be required to pay through rates for decades. The parties are incurring significant expense to adequately and thoroughly review, examine, and analyze the issues and implications raised in KCPL's application for

predetermined rate treatment of environmental upgrades that may or may not be in the public interest when compared to other alternatives. The parties and their consultants require sufficient time to conduct their review and analysis, reach conclusions, prepare testimony, and prepare for hearing under what is already a statutorily abbreviated time frame.

4. The proposal in the Prehearing Officer's Report and Recommendation to further compress the time provided to the parties by moving the proposed hearing dates from the agreed upon June 13-15 dates to June 9-13 has greatly enhanced CURB's concerns over the compressed schedule and our ability to adequately and thoroughly present our evidence and prepare for hearing. As noted by Staff, while the hearing date was moved four days earlier, many key prehearing dates and deadlines were not also correspondingly changed by meaningful amounts of time. Merely moving afternoon deadlines to morning deadlines on the same day and leaving parties with four fewer days to prepare for settlement conferences, prehearing motions, contested issues lists, etc., is unworkable, unreasonable, and prejudicial, especially for parties unable to hire multiple outside law firms to assist in those preparations.

5. The schedule agreed to by the parties at the Prehearing Conference moved the hearing dates up from June 17, 20-21, 2011 (dates originally proposed by the Prehearing Officer), to June 13-15. This agreement was an accommodation to the Applicant agreed to by Staff and CURB out of professional courtesy, even though it compressed an already abbreviated schedule. However, the Prehearing Officer's proposal to further compress the schedule by moving the hearing even earlier, to June 9-13, is unworkable, unreasonable, and prejudicial.

6. Staff, CURB, and their consultants are already facing a difficult task to meet the schedule agreed to at the Prehearing Conference; the proposed further compression of the schedule

will impose an unworkable and unreasonable burden on the parties. The quality of evidence presented will suffer, the burden on counsel and witnesses will be unreasonable, and the public interest will not be served by moving the hearing to commence on June 9, 2011, as proposed.

II. PROPOSED ALTERNATIVES

7. CURB will address each of the alternatives proposed in Staff's Responsive Comments. CURB supports these alternatives with the exception of the proposal contained in paragraphs 11-13 that would adopt the revised evidentiary hearing dates of June 9-13, 2011.

A. June 9, 10, and 13, 2011 Evidentiary Hearing

8. While CURB appreciates the schedule changes proposed by Staff that would apply to the June 9-13 hearing dates, scheduling the hearing for June 9-13 would still unreasonably compress the schedule, prejudice the parties and the Commission, and would not be in the public interest. As a result, CURB urges the Commission to reject the proposed hearing dates of June 9-13, and adopt one of the other alternatives discussed below.

B. June 13-15, 2011 Evidentiary Hearing

9. CURB and Staff agreed to schedule the evidentiary hearing on June 13-15, 2011, as an accommodation to the Applicant. CURB understands these dates were originally available, but a scheduling conflict arose for one of the Commissioners. If that conflict could be resolved, CURB would agree to the deadlines agreed to by the parties at the prehearing conference listed at paragraph 9 of the Prehearing Officer's Report and Recommendation.¹

¹The chart at paragraph 9 of the Prehearing Officer's Report and Recommendation erroneously lists the agreed hearing date as June 9-10, 13, 2011, rather than the June 13-15, 2010 dates agreed upon by the parties.

10. Like Staff, this is not CURB's preferred hearing date, but CURB and Staff agreed to these dates as a professional courtesy to accommodate a personal conflict for one of the Applicant's outside attorneys.

C. June 17, 20-21, 2011 Evidentiary Hearing

11. CURB concurs with Staff's recommendation that the Commission consider scheduling the evidentiary hearing for June 17, 20-21, 2011, the original dates proposed by the Prehearing Officer. While the parties attempted to accommodate personal conflicts for the Applicant, the complex technical and policy issues, substantial capital investment involved in this docket, and the Commission's own busy docket and schedule all make it impossible to schedule the hearing at a time convenient to all parties.

12. The Commission is presented with the choice of either imposing an unreasonably compressed schedule and hearing date on Staff, CURB, and other Intervenors, or providing a more reasonable (albeit statutorily compressed) schedule and hearing date that may inconvenience the Applicant. The Applicant had the ability to choose the filing date for a predetermination docket with a statutory abbreviated schedule, the Applicant knew that the filing date it chose would unavoidably require a hearing in the June/ July time period under the statutory abbreviated deadline, and the Applicant has at its disposal both in-house counsel and attorneys in two outside law firms it has retained to represent the Company in this matter. The equity is clearly against imposing an unreasonably compressed schedule and hearing dates on Staff, CURB, and other Intervenors.

D. July 11-14, 2011 Evidentiary Hearing

13. As indicated in Staff's Responsive Comments, CURB did inquire and determine that the July 11-14, 2011, hearing dates proposed by the Applicant are still available on the Commission's calendar. CURB asked whether KCPL would consent to a 10-day waiver of the statutory deadline to allow for post-hearing briefs and reply briefs following a July 11-14, 2011, hearing. Counsel for KCPL indicated the Company would not consent to the requested waiver, citing construction bidding process issues.

14. CURB supports Staff's request to schedule the hearings for July 11-14, 2011, with simultaneous briefs without response briefs. This will allow the parties and the Commission to meet August 22, 2011 order deadline. Perhaps as importantly, this will also allow the prehearing schedule to be decompressed somewhat to provide for more adequate and meaningful hearing preparation by all parties.

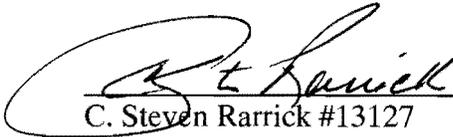
III. CONCLUSION

15. The complex technical and policy issues and substantial capital investment involved in this docket require sufficient and adequate time for all parties to adequately and thoroughly review and analyze the application, reach conclusions, prepare testimony, and prepare for hearing under what is already a statutorily abbreviated time frame. The June 9-13 proposed revised hearing dates further compresses the schedule to the point that the time and intervals between prehearing activities are unworkable, unreasonable, and prejudicial.

16. CURB joins Staff in urging the Commission to set a schedule that will allow CURB, Staff, and other Intervenors to adequately review and analyze the application, reach well-reasoned

conclusions, prepare testimony, and prepare for the hearing on the complex technical and policy issues involved in the Company's Application. Scheduling the hearing at the latest possible date will allow the parties to prepare and present the best evidence possible for the Commission's consideration.

Respectfully submitted,



C. Steven Rarrick #13127
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
(785) 271-3200
(785) 271-3116 Fax

CERTIFICATE OF SERVICE

11-KCPE-581-PRE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, electronic service, or hand-delivered this 20th day of April, 2011, to the following:

CRAIG D. SUNDSTROM, ATTORNEY
A NEW ENERGY, LLC
101 N ROBINSON, THIRTEENTH FLOOR
OKLAHOMA CITY, OK 73112

GLEND A CAFER, ATTORNEY
CAFER LAW OFFICE, L.L.C.
3321 SW 6TH STREET
TOPEKA, KS 66606

TERRI PEMBERTON, ATTORNEY
CAFER LAW OFFICE, L.L.C.
3321 SW 6TH STREET
TOPEKA, KS 66606

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

HEATHER A. HUMPHREY, GENERAL COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PLACE 1200 MAIN STREET (64105)
P.O. BOX 418679
KANSAS CITY, MO 64141-9679

MARY TURNER, DIRECTOR, REGULATORY AFFAIRS
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PLACE 1200 MAIN STREET (64105)
P.O. BOX 418679
KANSAS CITY, MO 64141-9679

ANDREW SCHULTE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

PATRICK T. SMITH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

W. THOMAS STRATTON, CHIEF LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

ROBERT V. EYE, ATTORNEY AT LAW
KAUFFMAN & EYE
112 SW 6TH AVE STE 202
COLUMBIAN BUILDING
TOPEKA, KS 66603-3850

JAMES A. ROTH
PHILLIPS MURRAH P.C.
CORPORATE TOWER, 13TH FLOOR
101 NORTH ROBINSON
OKLAHOMA CITY, OK 73102

ANNE E. CALLENBACH, ATTORNEY
POLSINELLI SHUGHART
6201 COLLEGE BLVD STE 500
OVERLAND PARK, KS 66211-2435

FRANK A. CARO, ATTORNEY
POLSINELLI SHUGHART
6201 COLLEGE BLVD STE 500
OVERLAND PARK, KS 66211-2435

DONALD K. SHANDY, ATTORNEY
RYAN WHALEY COLDIRON SHANDY, PLLC
900 ROBINSON RENAISSANCE
119 NORTH ROBINSON
OKLAHOMA CITY, OK 73102

HOLLY BRESSETT, ATTORNEY
SIERRA CLUB ENVIRONMENTAL LAW PROGRAM
85 2ND ST FL 2
SAN FRANCISCO, CA 94105-3456

DOUGLAS HAYES, ATTORNEY
SIERRA CLUB ENVIRONMENTAL LAW PROGRAM
1650 38TH ST STE 102W
BOULDER, CO 80301-2624

GLORIA SMITH, ATTORNEY
SIERRA CLUB ENVIRONMENTAL LAW PROGRAM
85 2ND ST FL 2
SAN FRANCISCO, CA 94105-3456

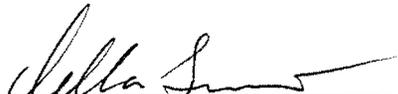
CHERYL A. VAUGHT, ATTORNEY
VAUGHT & CONNER, PLLC
1900 NW EXPRESSWAY STE 1300
OKLAHOMA CITY, OK 73118-1822

MARTIN J. BREGMAN, EXEC DIR, LAW
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889

CATHRYN J. DINGES, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889

C. MICHAEL LENNEN, VP REGULATORY AFFAIRS
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889

DICK F. ROHLFS, DIRECTOR, RETAIL RATES
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889



Della Smith
Administrative Specialist