

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

NOV 15 2011

by
State Corporation Commission
of Kansas

In the Matter of Kansas City Power & Light)
Company's Compliance Filings as Required) Docket No. 12-KCPE-258-CPL
by Commission Order in Docket No. 11-)
KCPE-581-PRE.)

MOTION TO STRIKE KCPL'S RESPONSE TO CURB'S REPLY

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and files its motion to strike KCPL's response to CURB's reply to Staff's response and KCPL's objection to CURB's petition to intervene in the above-captioned proceeding. In support of its motion, CURB states and alleges as follows:

1. CURB filed its petition to intervene on October 18, 2011.
2. Staff's response and KCPL's objection were filed on October 28, 2011.
3. CURB filed its reply to Staff's response and Kansas Power & Light Company's objection to CURB's petition to intervene on November 3, 2011.
4. KCPL filed its response to CURB's reply on November 14, 2011.
5. KCPL's November 14th responsive pleading is contrary to Commission regulations and Commission practice. After CURB filed its Petition to Intervene, both Staff and KCPL were entitled to file a written response under K.A.R. 82-1-218. CURB filed a reply to these written responses, consistent with Commission practice. Nothing in Commission regulations or Commission practice authorizes KCPL to file an additional response.
6. Under KCPL's interpretation of the regulations and Commission practice, CURB could file yet another reply to KCPL's response, and KCPL could file yet again another response, and

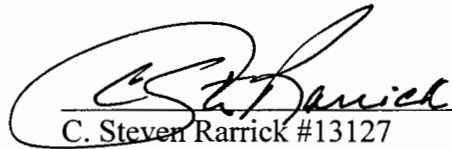
so on with each party attempting to get the last word in on the issue. While the record in the 415 docket demonstrates that KCPL is willing and able to incur costs for such unreasonable endeavors (and request recovery from ratepayers), CURB is not.

7. Furthermore, KCPL's second responsive pleading is not verified as required by K.A.R. 82-1-219(g).¹

8. For the reasons set forth above, CURB will not respond to meritless arguments contained in KCPL's second unverified responsive pleading to CURB's petition to intervene, and urges the Commission to strike the response and arguments contained therein from the record in this matter.

9. WHEREFORE, CURB respectfully requests that the Commission grant its motion to strike KCPL's response to CURB's reply in its entirety.

Respectfully submitted,



C. Steven Rarrick #13127

David Springe #15619
Citizens' Utility Ratepayer Board
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¹ KCPL's initial response to CURB's petition to intervene filed on October 28, 2011 was likewise not verified as required by K.A.R. 82-1-219(g).

VERIFICATION

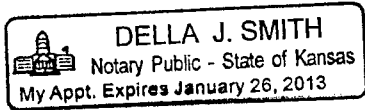
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

I, C. Steven Rarrick, 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 document, and, upon information and belief, states that the matters therein appearing are true and correct.


C. Steven Rarrick

SUBSCRIBED AND SWORN to before me this 15th day of November, 2011.




Notary Public

My Commission expires: 01-26-2013.

CERTIFICATE OF SERVICE

12-KCPE-258-CPL

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, or hand-delivered this 15th day of November, 2011, to the following:

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