

215186

SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036-3003

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
DONALD G. AVERY
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
PETER A. PFOHL
DANIEL M. JAFFE
KENDRA A. ERICSON

TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:
kjd@sloverandloftus.com

November 22, 2005

VIA HAND DELIVERY

David M. Konschnik
Director
Office of Proceedings
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423

Re: Docket No. 42095, Kansas City Power & Light
Company v. Union Pacific Railroad Company



ENTERED
Office of Proceedings
NOV 22 2005
Part of
Public Record

Dear Director Konschnik:

Pursuant to the Board's Decision served October 26, 2005, a staff-supervised discovery conference in this proceeding is scheduled for December 2, 2005. By this letter, Complainant Kansas City Power & Light Company ("KCPL") respectfully petitions that this conference be postponed, pending the results of intervening discussions between the parties to frame and hopefully narrow the scope of the matters to be addressed with the Board staff. Defendant Union Pacific Railroad Company ("UP") has authorized KCPL to advise the Board that UP concurs in this request.

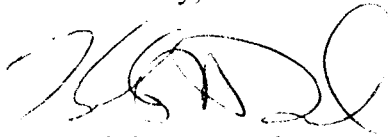
UP's responses to KCPL's initial discovery requests were submitted yesterday, and KCPL's responses to UP's initial discovery requests are due on December 1, 2005. In the interests of efficiency and consistent with established practice in cases of this type, counsel for the parties plan to meet and confer regarding their respective responses, in order to clarify points of difference and hopefully narrow the scope of genuine issues of material dispute. The parties believe that a staff-supervised conference

David M. Konschnik
November 22, 2005
Page 2

would be most productive if it is held after these discussions are concluded, so that all attention can be focused on matters of true difference that otherwise may require Board intervention. The parties propose to advise your office once these meetings have been held, and at that time suggest alternative dates for the staff-supervised session.

We respectfully request your prompt and favorable response to this petition for a postponement of the scheduled staff-supervised discovery conference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelvin J. Dowd', with a large, stylized loop at the end.

Kelvin J. Dowd
Attorney for
Kansas City Power & Light Company

KJD:jml

cc: Hon. Vernon Williams
William G. Riggins, Esq.
Linda J. Morgan, Esq.
Michael L. Rosenthal, Esq.