

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Kansas City Power)	
& Light Greater Missouri Operations)	
Company Application for Approval of)	File No. EO-2012-0009
Demand-Side Programs and for Au-)	
thority to Establish a Demand-Side)	
Investment Mechanism)	

**RESPONSE TO OPPOSITION TO INTERVENE
BY AG PROCESSING INC A COOPERATIVE**

COMES NOW AG PROCESSING INC A COOPERATIVE ("AGP") and responds separately to KCP&L Greater Missouri Operations Company's ("GMO") opposition to its intervention herein as follows:

1. AGP's Application to Intervene herein was timely filed on January 13, 2012 along with the Application of the Sedalia Industrial Energy Users' Association ("SIEUA"). SIEUA's Application was not the subject of an objection from GMO and was separately sustained.

2. GMO's argument reduces to the argument that AGP's interest does not differ from that of the general public. While facially appealing, this argument lacks merit in that:

a. GMO ironically cites the statute known as MEEIA, Section 393.1075 and points to an "opt out" letter from AGP under date of September 21, 2011. GMO, however, fails to reveal that AGP sent an opt-out letter to GMO much earlier and

only shortly after MEEIA was signed by the Governor, which letter GMO refused then and continues to refuse to recognize.

b. Even now, after multiple requests to GMO to recognize AGP's opt out, GMO still refuses to recognize AGP's status. Therefore, AGP lacks forthright confirmation from GMO that GMO is willing to recognize AGP's status. Disingenuously, GMO now seeks to exclude AGP from participation herein while it remains unwilling to formally recognize AGP's status.

c. In that sense, AGP's interest is obviously different from that of the general public in that its status has not been formally recognized by GMO, nor has a mechanism yet been developed that would comply with the opt out provisions of the statute cited by GMO, *i.e.*, MEEIA.

3. Even were GMO's assertion to be assumed, AGP's interest differs from that of the general public and may be adversely affected by any Commission order herein in the following particulars:

a. AGP is a large industrial customer of GMO in St. Joseph, both of which facts appear to be admitted by GMO in its opposition. Large industrial customers such as AGP are not members of the "general public," have significantly different concerns, and vastly different usage than that of the "general public."

b. AGP's concerns continue with respect to the mechanism through which its "opting out" would be accomplished by GMO.

c. AGP's concerns continue as to the "establish[ment] of the demand-side programs and cost recovery for those programs."^{1/} If GMO now argues that the scope of this matter is limited to cost recovery, then one of the purposes of this case is the proper identification of costs that are "in" or "out" of the program and the proper treatment of them -- matters of obvious concern to AGP.

d. As noted, GMO now appears to claim that this matter only concerns costs, but this statement is belied by GMO's own testimony in this case and is uncertain given the extent to which GMO has sought what it terms as "waivers" or "variances" from the provisions of the Commission's implementing rule and, potentially, even the MEEIA statute itself.^{2/} Indeed, one waiver GMO appears to seek would appear to block opt out customers from being interruptible,^{3/} a result that, given the extolled purpose of MEEIA, would certainly be counterintuitive and inconsistent with that purpose.

e. Under the Commission's implementation of the statute, 4 C.S.R. 240-20.094(6)(H), a customer may change its position and become a future participant.

f. AGP intends to expend efforts toward assuring that an appropriate mechanism is established in this **case of**

^{1/} GMO Opposition, p. 2, paragraph 2.

^{2/} Indeed, until these "waiver" requests are considered and ruled upon by the Commission, it is not possible to ascertain the scope of GMO's application or its potential customer impact.


^{3/} See, GMO Witness Rush Direct, p. 27.

first impression that -- even assuming GMO's unconfirmed contentions -- will be formally recognized, and that costs from this program do not "leak" into the electric rates that would be charged AGP, nor into GMO's **steam** rates through some allocation scheme. Given that GMO's Lake Road Generating Station is utilized both to generate electricity and raise steam (AGP also being a steam customer of GMO), the potential of such "leaking" is certainly present.

WHEREFORE, GMO's objection to AGP's intervention in this matter should be rejected and the Application sustained as originally requested.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR AG PROCESSING INC A
COOPERATIVE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid or by electronic mail addressed to all parties by their attorneys of record as made available by the Secretary of the Commission through its EFIS.

A handwritten signature in black ink, appearing to read "Stuart W. Conrad", written over a horizontal line.

Stuart W. Conrad

January 27, 2012