

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

In the Matter of the Application of Kansas City )  
Power & Light Company for Approval to Make ) **Case No. ER-2009-0089**  
Changes in its Charges for Electric Service )  
to Continue the Implementation of its )  
Regulatory Plan )

**APPLICATION TO INTEVENE  
OF THE UNITED STATES DEPARTMENT OF ENERGY,  
NATIONAL NUCLEAR SECURITY ADMINISTRATION,  
AND FEDERAL EXECUTIVE AGENCIES**

COME NOW, the United States Department of Energy (“DOE”) and the United States National Nuclear Security Administration (“NNSA”), on behalf of themselves and all other affected Federal Executive Agencies (“FEA”) (collectively “DOE/NNSA”), and apply, as per the Missouri Code of State Regulations (CSR) §240-2.075, to intervene herein and to become a party hereto for all purposes, In support of this application they respectfully state:

1. In this proceeding, DOE/NNSA will represent all federal executive agencies which are located in KCPL’s service territory. DOE/NNSA is authorized to do by a delegation of authority from the General Services Administration, as per 49 U. S. C. § 481 (a) (4));
2. DOE/NNSA owns and operates the NNSA Kansas City Site Office and an industrial facility located in Kansas City, Missouri;
3. DOE/NNSA has an interest in this proceeding which is different from that of the general public. It is a large industrial electric customer of KCPL. It consumes approximately 156,000 mWhs of electric power annually, at a cost of approximately \$5.9

million. As such, DOE/NNSA will be materially and substantially affected by the request for a \$101.5 million dollar increase in Missouri jurisdictional rates which KCP&L filed with the Commission on September 5, 2008. Other federal executive agencies will also be materially and substantially affected by that request. Granting of this appeal would serve the public interest;

4. DOE/NNSA has in the past intervened as an active party in several KCPL cases before this Commission. It was recently an intervenor in case No. EO-2005-0329, KCPL's Experimental Regulatory Plan, and case Nos. ER-2006-0314 and 2007-0291, the two previous KCPL rate cases which were filed in accordance with KCPL's Experimental Regulatory Plan. DOE/NNSA has not at this time ascertained the position that it will take in regard to the rate increases which KCPL seeks herein;

5. The undersigned attorneys for DOE/NNSA, Steven Porter and Arthur Perry Bruder, are not admitted to practice before the courts of the State of Missouri, but are admitted to practice before the courts in the states of Texas and New York, respectively. Mr. Porter has been in the active practice of law since 1981 and Mr. Bruder has been in the active practice of law since 1970;

6. Neither Mr. Porter nor Mr. Bruder is under suspension or disbarment by any of the courts of the states in which they are admitted to practice;

7. DOE/NNSA designates Mark W. Comley, Esq. of the firm of Newman, Comley & Ruth, PC, 601 Monroe Street, Suite 301, Jefferson City, MO 65102, a member of the Missouri Bar with an office within the State of Missouri, as associate counsel;

8. Mark W. Comley, contemporaneously with the filing of this application, is entering his appearance as DOE/NNSA associate counsel in this case;
9. The attorneys for the applicant are in the process of submitting petitions for leave to appear *pro hac vice* before this Commission in this proceeding. The applicant respectfully requests that this application be granted, pending completion and approval of those petitions.
10. Correspondence or communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

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WHEREFORE, the applicant prays the Commission to grant its request to intervene,  
and that it be accorded full party status in this docket.

Respectfully submitted this 30th day September, 2008.



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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading, by email and by First Class U.S. Mail postage prepaid, upon the legal representatives of all entities which the Commission's Electronic Filing and Information System at this date identifies as parties or petitioning intervenors herein, and by overnight express delivery to the Secretary of the Commission, as per the Commission's rules and its September 12, 2008 order herein.



Arthur Perry Bruder  
Attorney for  
the United States Department of Energy

Dated: September 30, 2008