

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

Ag Processing, Inc.,)	
)	
Complainant,)	
)	
v.)	<u>File No. HC-2012-0259</u>
)	
KCP&L Greater Missouri Operations Company,)	
)	
Respondent.)	

**NOTICE OF DEFICIENCY AND ORDER DIRECTING FILING AND
ESTABLISHING RESPONSE DEADLINE**

Issue Date: April 19, 2012

Effective Date: April 19, 2012

The Commission issued notice of this complaint on January 30, 2012. No intervention deadline was established by order, but the Commission's Rule 4 CSR 240-2.075(1) provides:

A motion to intervene or add new member(s) shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the commission.

Consequently, the deadline for intervention requests was February 29, 2012.

On April 18, 2012, Triumph Foods, L.L.C. filed a motion to intervene. Commission Rule 4 CSR 240-2.075(10) delineates the requirements for late intervention and it states:

Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause. Any motion so filed must include a definitive statement whether or not the entity seeking intervention or to be added as a new member accepts the record established in that case, including the requirements of any orders of the commission, as of the date the motion is filed. (Emphasis added).

Triumph's motion includes a statement that it has an interest that is different from the general public which may be adversely affected by the final order issued in this matter. This statement is directed at the requirements elucidated in section (3) of 4 CSR 240-2.075 for all applications to intervene. However, Triumph fails to satisfy the requirement in section (10), a showing of good cause for late filing its application. Good cause for late filing is not the same as establishing a distinct interest in the outcome of the case. Triumph has offered no reason for it filing its motion to intervene 49 days out of time.

THE COMMISSION ORDERS THAT:

1. The Commission will reserve ruling on Triumph Foods, L.L.C.'s motion to intervene.
2. Triumph Foods, L.L.C. shall supplement its motion to intervene in compliance with the Commission's intervention rule no later than April 25, 2012.
3. Any party wishing to respond to Triumph Foods, L.L.C.'s supplemented motion to intervene shall file said response not later than April 30, 2012.
4. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

Harold Stearley, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 19th day of April, 2012.