

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

In the Matter of the Application of Kansas )  
City Power & Light Company to ) Case No. ER-2014-0370  
Implement a General Rate Increase for )  
Electric Service. )

**SURREPLY IN OPPOSITION TO AMEREN  
MISSOURI’S APPLICATION FOR INTERVENTION**

**COMES NOW** the Missouri Office of the Public Counsel and for its Surreply in Opposition to the Application for Intervention filed by Union Electric Company d/b/a Ameren Missouri (Ameren), and states:

1. The Midwest Energy Consumers’ Group (MECG), the Missouri Industrial Energy Consumers (MIEC), the Office of the Public Counsel (Public Counsel), and the Staff of the Public Service Commission (Staff) all filed opposition to Ameren’s intervention in Kansas City Power & Light Company’s (KCPL) rate case. On November 23, 2014, Ameren filed a reply to the filings opposing Ameren’s intervention.

2. Public Counsel agrees with Ameren’s statement that “the Commission has consistently decided intervention applications by reference to whether the applicant has complied with the Commission’s intervention rule, 4 CSR 240-2.075.” Public Counsel also agrees with Ameren’s statement that no party has claimed that Ameren “failed to allege the elements supporting intervention under the Commission’s rule.” The problem with Ameren’s request is that, while it may have *alleged* the necessary elements, it has not *shown* that granting Ameren intervention is in any way conducive to promoting the

public interest - a required element for intervention, nor has Ameren *shown* that its interests are different than that of the general public.

3. Moreover, the reasons that Ameren's request for intervention should be denied is made evident by a very possible situation where KCPL and every other party except Ameren agree to settle one or more issues. Intervention would give Ameren the ability to oppose an agreement and force an evidentiary hearing. Intervention would also give Ameren the ability to *introduce new issues* into the case and force a hearing on those issues. It is exceedingly difficult to conceive of a situation in which Ameren - of all the parties - acting as the lone holdout would be considered reasonable by all parties involved. Instead, the public interest could be significantly harmed by Ameren's participation in this case because it would give Ameren the ability to force an evidentiary hearing on issues that are created and contested by no party other than Ameren.

4. On the issue of whether Ameren's intervention would promote the public interest, Ameren simply asserts that granting Ameren intervention "*may* aid the Commission." The Commission has a qualified and experienced Staff fully capable of assisting the Commission with this case, just as KCPL is experienced and fully capable of presenting its case to the Commission without assistance from Ameren. Ameren repeats its assertion in the last paragraph of its reply, that it *may* aid the Commission, and once again, Ameren provides no explanation as to how or why its participation would aid the Commission. Ameren's assertion is entirely conclusory. For this reason, Ameren has failed to satisfy the intervention requirement that Ameren show that its intervention promote the public interest.

5. Ameren's response does not address the suggestion made by Public Counsel and the Commission's Staff that Ameren may still seek leave of the Commission to file an *amicus* brief should Ameren wish to be heard on the contested issues in this case. Public Counsel reasserts this suggestion as a far more reasonable solution that would avoid the issues raised by parties opposing Ameren's intervention.

WHEREFORE, the Office of the Public Counsel respectfully offers this surreply in opposition to Ameren's application to intervene and urges the Commission to deny intervention for the reasons stated herein.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this November 24, 2014.

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