

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

In the Matter of Staff's Audit of Kansas City)
Power & Light Company's Expenditures Related)
to the LaCygne Air Quality Control System)
Project.)

Case No. EO-2014-0042

**PUBLIC COUNSEL'S RESPONSE TO KANSAS CITY POWER & LIGHT
COMPANY'S OPPOSITION TO REQUEST FOR INTERVENTION**

COMES NOW the Office of the Public Counsel and for its Response to Kansas City Power & Light Company's Opposition to Request for Intervention states as follows:

1. On August 20, 2013, the Staff of the Commission filed a motion to open this case to facilitate the investigation of Kansas City Power & Light Company's (KCP&L's) ongoing construction project at the LaCygne generating station. The Commission granted the motion on the following day. In its order opening the case, the Commission did not direct that notice be given, nor did it set an intervention deadline.

2. On October 4, the Sierra Club moved to intervene, asserting that its intervention and participation would serve the public interest. In its motion to intervene, Sierra Club stated that it:

brings unique perspective and expertise in evaluating proposed investments in coal-fired generation as compared with cleaner, lower-cost alternatives that will assist the Commission and parties in fully evaluating the issues in any future rate case in which the prudence of KCP&L's investment in the LaCygne Generation Station is considered.

Sierra Club also noted that it participated in KCP&L's last rate case, ER-2012-0174, and offered testimony concerning the LaCygne construction project, and in particular about how the LaCygne investments should be documented and analyzed.

3. On October 15, KCP&L filed a response opposing Sierra Club's intervention, on the grounds that this is not a contested case and that the ratemaking treatment to be afforded the LaCygne investments will be made in a later rate case. These are neither reasonable nor sufficient grounds to deny intervention. KCP&L did not contest Sierra Club's claim that its intervention and ability to conduct discovery would serve the public interest.

4. Staff asked the Commission to open this case to "facilitate and retain discovery" related to the LaCygne investments. In its order opening the case, the Commission appeared to recognize the merit of facilitating and retaining discovery. There is no reason that Staff alone should be able to conduct discovery on the LaCygne investments prior to the filing of a rate case in which those investments are considered for rate recovery. Sierra Club has expertise in this area that will prove valuable to the Commission when the time comes to consider ratemaking for the LaCygne investments, and Sierra Club (like Staff and Public Counsel) should be afforded the ability to conduct discovery without having to wait until KCP&L chooses to file a rate case.

WHEREFORE Public Counsel respectfully requests that the Commission reject KCP&L's request that the Commission deny intervention to Sierra Club.

OFFICE OF THE PUBLIC COUNSEL

/s/ **Lewis R. Mills, Jr.**

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been emailed to parties of record this 22nd day of October 2013.

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