

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

In the Matter of the Application of                     )  
Union Electric Company for Approval                )  
of an Experimental Retail Wheeling Pilot.            )

Case No. EO-98-95

**FILED**  
**JAN 06 1998**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

**APPLICATION OF  
KANSAS CITY POWER & LIGHT COMPANY  
TO INTERVENE OUT OF TIME**

COMES NOW Kansas City Power & Light Company (hereinafter "KCPL"), pursuant to 4 CSR 240-2.075, *et seq.*, and applies to intervene out of time and to become a party herein. In support thereof, KCPL states:

1. KCPL is a Missouri corporation, in good standing in all respects with its principal office and place of business located at 1201 Walnut, Kansas City, Missouri 64106. KCPL is engaged in the generation, transmission, distribution, and sale of electric energy and power in those areas in Missouri certificated to it by the Missouri Public Service Commission (hereinafter "Commission"), including the City of Kansas City, Missouri, as well as in areas of eastern Kansas. KCPL is an "electrical corporation" and "public utility" as those terms are defined in Section 386.020, RSMo 1994<sup>1</sup>, and, as such, is subject to the jurisdiction of the Commission as provided by law. KCPL provides electric service to numerous residential, commercial, and industrial customers in Missouri.

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

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<sup>1</sup>All statutory references are to Revised Statutes of Missouri 1994.

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3. The purpose of this Application is to request that KCPL be included as an intervenor in the above-captioned matter. Pursuant to the terms of the Stipulation and Agreement in *Re Union Electric/CIPS Merger*, Case No. EO-96-149, it is KCPL's understanding that all signatories to the Stipulation and Agreement in the merger proceeding will be made a party to the retail wheeling pilot program, as a matter of right, if it so requests. (Stipulation and Agreement, p. 5). Although the Commission also established an intervention date of October 14, 1997, in Case No. EO-98-95, KCPL was unaware of a need to file for intervention since it was a signatory party to the Stipulation and Agreement in Case No. EO-96-149.<sup>2</sup>

4. As a part of this docket, the Commission will consider Union Electric's proposed experimental Retail Wheeling Pilot program for 100mw of electric power, to be available to all major classes of Missouri retail electric customers. KCPL has an interest in this proceeding since UE's experience with this retail wheeling proposal may affect the development of other retail wheeling programs throughout the state, including KCPL's service area.

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<sup>2</sup> On December 4, 1997, KCPL expressed, by letter, its desire to participate as an intervenor in this matter. Subsequently, Regulatory Law Judge Derque informed the undersigned counsel that the request should be filed as an Application to Intervene Out of Time.

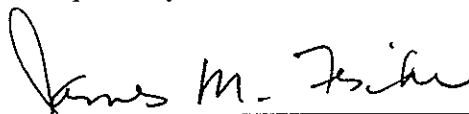
5. For the above-stated reasons, KCPL's interest in this proceeding is different from that of the general public and cannot be represented by any other party to these proceedings. Actions taken by the Commission in this proceeding may substantially affect the development of retail wheeling issues throughout the state.

6. KCPL's participation will aid the Commission in resolving the issues raised in this proceeding. Consequently, KCPL's intervention and participation will promote the public interest.

7. Since there is insufficient information currently available to identify all issues that may arise which will affect KCPL's interests, KCPL reserves its right to state its position and participate with regard to any matter or issue arising in this proceeding.

WHEREFORE, Kansas City Power & Light Company respectfully requests the Commission to issue an order authorizing it to intervene out of time in the above-captioned matter.

Respectfully submitted,



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ATTORNEYS FOR  
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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 4<sup>th</sup> day of January, 1998, to:

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Mr. Steven Dottheim  
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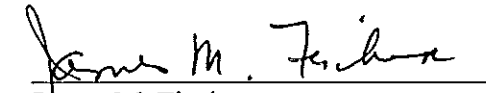
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