

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

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

**OPPOSITION TO AMEREN MISSOURI
APPLICATION TO INTERVENE**

COME NOW the Midwest Energy Consumer's Group ("MECG") and the Missouri Industrial Energy Consumers ("MIEC"), and for their Opposition to the Application to Intervene filed by Ameren Missouri respectfully state as follows:

1. On October 30, 2014, Kansas City Power & Light filed for a 15.75% rate increase. On November 11, 2014, Ameren Missouri filed its Application to Intervene. In its Application, Ameren makes conclusory statements designed to fulfill the requirements of the Commission's intervention rule.

Ameren Missouri has an interest in this case that is different than that of the general public and which may be adversely affected by a final order arising from this case. Moreover, Ameren Missouri's intervention is in the public interest. Ameren Missouri's interest in this case arises from its status as only one of three investor-owned electric utilities regulated by the Commission in the state with a direct and specific interest in the issues raised in this case, including the Commission's treatment of various revenue and expense items.¹

As this pleading demonstrates, Ameren Missouri's application should be denied. Since it is not a customer or competitor of KCPL, Ameren Missouri will not and cannot be adversely affected by a final order arising from this case. As such, its interest is no different than that of the general public. Finally, events in recent cases demonstrate that

¹ *Ameren Missouri's Application for Intervention*, Case No. ER-2014-0370, filed November 11, 2014, at page 2.

the unnecessary participation of one utility in another utility's case is contrary to the public interest.

2. Commission Rule 4 CSR 240-2.075(3) provides the standard by which applications to intervene should be judged.

The Commission may grant a motion to intervene or add new member(s) if –

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

3. In this case, Ameren simply concludes that its interest would be “adversely affected by a final order arising from this case.” Nevertheless, Ameren fails to demonstrate how its interests could be adversely affected. It is unquestioned that Ameren is not a customer of KCPL. As such, Ameren will not be affected by any Commission decision regarding the revenue requirement or rate design for KCPL. Similarly, Ameren will not be affected by a Commission decision regarding the implementation or rejection of the KCPL fuel adjustment clause.

Moreover, since this is a contested case and not a rulemaking, the implications of this case are specific to KCPL and may not be used for general applicability. As such, any decision may not be imposed on Ameren. Decisions regarding Ameren's revenue requirement, rate design and structure of its fuel adjustment clause will all be made in the context of Ameren's pending rate case (Case No ER-2014-0258).

4. In a recent case, the Kansas Commission considered the merits of having one electric utility (KCPL) intervene and participate in the rate case of another electric

utility (Westar). There, the Commission determined that KCPL's application to intervene should be denied because of its failure to "articulate facts demonstrating its legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding."² Similarly, Ameren has failed to articulate facts demonstrating how it may be "adversely affected by a final order arising from this case."

5. Not only will Ameren not be "adversely affected" by this case, recent events and statements made by KCPL clearly indicate that Ameren's participation will not be in the public interest. Recently, KCPL-GMO had pending an application to implement its MEEIA energy efficiency program (Case No. EO-2012-0009). At the same time as the GMO application was pending, Ameren had a similar application filed (Case No. EO-2012-0142). Upon its request, the Commission allowed GMO to intervene in the Ameren MEEIA proceeding. During the course of settlement negotiations in the GMO case, the parties had reached a settlement in principal. Suddenly, based upon nothing more than the intelligence that it had gathered as a participant in the settlement discussions in the Ameren case, GMO backed out of that settlement in principal. Negotiations that should have been completed in a couple weeks now took additional months. Certainly, allowing one utility to participate in another utility's rate case for the purpose of garnering privileged settlement information is not in the public interest.

6. Recently, KCPL has opposed an intervention for similar reasons. On November 3, 2014, Brightenergy filed its Application to Intervene in the KCPL rate case. In its opposition to the Brightenergy application, KCPL explained how the participation of unnecessary parties can hinder the settlement of rate cases.

² *Prehearing Officer Order Denying Intervention to Kansas City Power & Light Company*, Case No. 12-WSEE-112-RTS, issued November 2, 2011, at page 3 (paragraph 5).

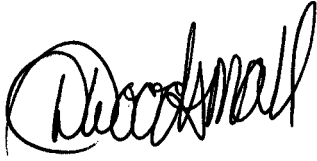
The Commission's rules, including 4 CSR 240-2.075, exist for a reason. KCP&L is simply asking Brightenergy to abide by that Commission rule. Intervention in a general rate case effectively affords parties veto power over proposed rate case settlements, allowing parties to force cases or issues to hearing that might otherwise be settled. For this reason, KCP&L requests that the Commission carefully apply its rule on intervention.³

7. As KCPL recognizes, Ameren's participation in this case, despite not being adversely affected by the proceedings, may "force cases or issues to hearing that might otherwise be settled." Equally disconcerting, Ameren may try, as GMO has recently done, to use intelligence garnered through its participation in KCPL settlement discussions to force better settlements in its own rate case. In either case, the presence of another unaffected electric utility has a chilling effect on the settlement of rate cases. As such, the Commission's intervention rule requiring intervention to be in the public interest has been violated.

WHEREFORE, MCEG and MIEC respectfully request that the Commission deny Ameren Missouri's Application to Intervene.

³ *Surreply in Opposition to Application to Intervene*, Case No. ER-2014-0370, filed November 18, 2014, at page 2.

Respectfully submitted,



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ATTORNEYS FOR THE MISSOURI
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



Dated: November 20, 2014

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Joint Application of)
Westar Energy, Inc. and Kansas Gas and)
Electric Company for Approval to Make) Docket No. 12-WSEE-112-RTS
Certain Changes in Their Charges for)
Electric Service.)

**PREHEARING OFFICER ORDER DENYING INTERVENTION TO
KANSAS CITY POWER & LIGHT COMPANY**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. On August 31, 2011, the Commission designated Melissa Doeblin, Advisory Counsel, to act as Prehearing Officer in this proceeding. Order Designating Prehearing Officer and Setting Prehearing Conference, August 31, 2011, paragraph 6 (August 31, 2011 Order, ¶ 6). Having reviewed the files and records, and being duly advised in the premises, the Prehearing Officer makes the following findings:

1. On August 25, 2011, Westar Energy, Inc. and Kansas Gas and Electric (Westar and KGE, collectively Westar), filed a Joint Application for changes to their charges for electric service pursuant to K.S.A. 66-117 and K.A.R. 82-1-231. Joint Application, August 25, 2011 (Application). Westar consists of two corporations duly organized under the laws of the State of Kansas engaged, among other things, in the business of electric public utilities, as defined by K.S.A. 66-104, in legally designated areas within the State of Kansas. Application, ¶ 8.

2. Westar holds certificates of convenience and necessity issued by this Commission authorizing it to engage in such utility business. Application, ¶ 9. Westar has previously filed with the Commission certified copies of their Articles of Incorporation under which each

corporation was organized and all amendments thereto and restatements thereof. Joint Application, ¶ 10.

3. Kansas City Power & Light Company (KCP&L) requested the Commission grant it leave to intervene in the proceeding. KCP&L stated it is a corporation duly organized and existing under the laws of Missouri, distributing and selling electric service to the public in its certificated areas in Kansas and Missouri, and stated it is a co-owner with KGE of the La Cygne Generating Station. Petition to Intervene, October 5, 2011, paragraph 1 (KCP&L Petition, ¶ 1). KCP&L stated that Westar's Application seeks authority to make an abbreviated filing, pursuant to K.A.R. 82-1-231(b)(3)(A), within 12 months of a Commission Order in this docket, to update its rates to reflect Westar's investment in the La Cygne environmental retrofit project that was subject to the Commission's Order in Docket No. 11-KCPE-581-PRE. KCP&L Petition, ¶ 3. KCP&L stated it has direct and unique interests in this docket because it owns a fifty percent interest in the La Cygne Station, and that any decisions relating to the La Cygne Station may directly affect the interests of KCP&L. KCP&L Petition, ¶ 2.

4. For a petitioner to qualify for intervention, three elements must be met: (1) the petition needs to be in writing and submitted to the presiding officer, with copies mailed to all parties, at least three days before an evidentiary hearing; (2) the petition must state facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding, or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. K.S.A. 77-521(a); K.A.R. 82-1-225(a). A petition for intervention may be granted at any time if it is in the interests

of justice and will not impair the orderly and prompt conduct of the proceedings. K.S.A. 77-521(b); K.A.R. 82-1-225(b).

5. The Prehearing Officer has reviewed KCP&L's Petition and finds and concludes that KCP&L has not met the requirements of K.A.R. 82-1-225 and should be denied intervention. KCP&L has failed to articulate facts demonstrating its legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(a); K.A.R. 82-1-225(a). Should the petitioner be able to clearly articulate a basis for intervention, the Commission may reconsider its decision to deny intervention.

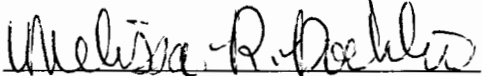
WHEREFORE, THE PREHEARING OFFICER FINDS AND CONCLUDES AS FOLLOWS:

A. Kansas City Power & Light Company is denied intervention in the above-captioned proceeding.

B. The Prehearing Officer directs this Order be served electronically on Kansas City Power & Light Company and all parties of record in this docket. Parties have 15 days from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2010 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

Dated: November 2, 2011


Melissa R. Doebelin
Prehearing Officer

CERTIFICATE OF SERVICE

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I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Prehearing Officer Order Denying Intervention to Kansas City Power & Light Company was served by electronic mail this 2nd day of November, 2011, to the following parties who have waived receipt of follow-up hard copies:

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