

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

In the Matter of the Application of Kansas City Power & Light Company for Authority to Extend the Transfer of Functional Control of Certain Transmission Assets to the Southwest Power Pool, Inc.)
) Case No. EO-2012-0135
)
)

In the Matter of the Application of KCP&L Greater Missouri Operations Company for Authority to Extend the Transfer of Functional Control of Certain Transmission Assets to the Southwest Power Pool, Inc.)
) Case No. EO-2012-0136
)
)

**RESPONSE OF KANSAS CITY POWER & LIGHT COMPANY AND KCP&L
GREATER MISSOURI OPERATIONS COMPANY TO APPLICATION TO
INTERVENE OUT OF TIME FILED BY THE MISSOURI INDUSTRIAL ENERGY
CONSUMERS**

COME NOW Kansas City Power & Light Company (“KCP&L”) and KCP&L Greater Missouri Operations Company (“GMO”) (collectively “Companies”), pursuant to 4 CSR 240-2.075 and 4 CSR 240-2.080, files their Response to the Application to Intervene Out Of Time Of The Missouri Industrial Energy Consumers (“Application”) filed on February 1, 2013, more than fourteen (14) months after the intervention deadline.

1. On November 1, 2011, the Missouri Public Service Commission (“Commission”) filed its *Notice Opening Filing* in Case Nos. EO-2012-0135 and EO-2012-0136 giving notice through EFIS that it was opening cases to consider KCP&L and GMO’s joint request for approval of continued participation in Southwest Power Pool (“SPP”) beyond October 1, 2013.

2. On November 2, 2011, the Commission issued its *Order Providing Notice and Establishing Intervention Deadline* (“Order”) in Case Nos. EO-2012-0135 and EO-2012-0136. In this *Order*, the Commission established November 22, 2011, as the deadline for parties to intervene in this matter.

3. Pursuant to the Commission's *Order*, several parties, including Dogwood Energy, LLC, The Empire District Electric Company, and SPP filed timely applications to intervene which were granted by the Commission. See *Order Granting Requests To Intervene*, Case Nos. EO-2012-0135 and EO-2012-0136 (issued November 29, 2011).

4. On February 1, 2013, the Missouri Industrial Energy Consumers ("MIEC") filed its Application To Intervene Out Of Time. This pleading was filed more than fourteen (14) months after the intervention deadline.

5. 4 CSR 240-2.175(10) states "motions to intervene ... after the intervention day may be granted upon a showing of good cause." However, the only "good cause" stated in the MIEC pleading for requesting to intervene more than fourteen (14) months after the Commission ordered intervention deadline was as follows: "Counsel for MIEC only recently became aware of the impact of this proceeding on the MIEC, and additional time beyond the intervention deadline was required to obtain authority from the MIEC members." (Application, p. 2) This assertion is not "good cause" at all. Nor does the MIEC Application identify the "impact" that this proceeding will have on MIEC, or explain the reason MIEC was unable to file its Application in a timely manner.

6. In its *Order Denying Intervention in Re Missouri Gas Energy*, Case No. GR-2006-0422, the Commission addressed a similar allegation of "good cause" stating:

Were the Commission to accept "we just found out" as good cause for filing a request to intervene almost two months out of time, "good cause," as used in the Commission's rule, would have no substance. This is particularly so when it is a proposed intervenor's business to know what is going on in its environment. The Commission will therefore deny [the] request to intervene.

7. Similarly, if the Commission's intervention deadlines are to have any substance, sophisticated intervenors such as the MIEC must not be permitted to intervene substantially out of time on the ground that "we just found out" about the impact of this proceeding.

WHEREFORE, the Companies respectfully request that the Commission deny MIEC's Application to intervene more than fourteen (14) months out of time.

Respectfully submitted,

/s/ James M. Fischer

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 11th day of February, 2013.

/s/ Roger W. Steiner

Roger W. Steiner