

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

In the Matter of the Application of KCP&L )  
Greater Missouri Operations Company for )  
Approval of a Special Rate for a Facility )           EO-2019-0244  
Whose Primary Industry is the Production or )  
Fabrication of Steel in or Around Sedalia, )  
Missouri )

**KCP&L Greater Missouri Operations Company Response to MECG's Motion to Quash  
Notice of Deposition**

Pursuant to the Commission's September 30, 2019 order, KCP&L Greater Missouri Operations Company ("GMO") files the following response to the Midwest Energy Consumers Group's ("MECG") Motion to Quash Deposition.

1. On September 30, 2019 MECG filed a motion to quash the notice of deposition filed by the Staff of the Missouri Public Service Commission (Staff) on Sept 25, 2019.
2. GMO will not endeavor to respond to each point that MECG makes regarding Staff's position or Staff's intent regarding the deposition. GMO is supportive of the deposition as a legitimate effort to unearth relevant facts about an intervenor to this case.
3. GMO does not seek an MECG membership list and agrees that MECG is both incorporated in the state of Missouri and has no legal "members" pursuant to Section 355.181(2), RSMo, under the Missouri Nonprofit Corporation Act.

4. However, MECG purports to have "participating members" on its website.<sup>1</sup> Some of those "participating members" listed on the MECG website are GMO customers.

5. MECG stated in its Application to Intervene that it is "a group of large commercial and industrial *customers of KCPL-GMO*, MECG's interest in this case is different than that of the general public."(Emphasis added). MECG Application to Intervene at 1.

6. However, in its Motion to Quash, MECG asserts that it only represents MECG, and not any of its participating members. MECG, Motion to Quash at 1-2.

7. MECG's statement in its application to intervene is contradictory to its statements in its Motion to Quash.

8. MECG is not a customer of GMO. If MECG is only representing MECG then it lacks a different interest than the general public and would not serve any particular public interest. Pursuant to 20 CSR 4240-2.075 the Commission may grant intervention to a party that has an interest different than that of the general public or whose intervention will serve the public interest.

9. MECG's comparison of itself to Renew Missouri is misplaced because the interest of Renew Missouri is not predicated on its members or supporters being customers of the electric corporation. Likewise, Missouri Industrial Energy Consumers ("MIEC") is a customer of Ameren-Missouri and the interests it represents, large commercial and industrial clients of Ameren-Missouri, are often specifically identified in its application to intervene. See e.g., *In the Matter of Union Electric Company, d/b/a Ameren Missouri's Tariff to Increase Its Annual Revenues for Electric Service*, ORDER GRANTING THE APPLICATION TO INTERVENE OF MISSOURI INDUSTRIAL ENERGY CONSUMERS, Docket No. ER-2012-0166 (Issued February 15, 2012).

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<sup>1</sup> <https://midwestecg.com/participating-members>

10. OPC is specifically charged with representing the interests of the public, including large commercial and industrial customers state-wide. See 386.710, RSM. The fact that large commercial and industrial customers choose to supplement OPC's representation of rate payers, through an incorporated entity, in rate cases that *directly affect those classes of customers*, does not give such entities carte blanche to intervene in any and all cases.

11. MECG is opposing the Stipulation in this case. It is vitally important for this Commission to know with clarity who MECG is actually speaking on behalf of. This fundamental principle of regulatory proceedings was articulated by the Kansas Corporation Commission ("KCC") in its decision to rescind the intervention of the Kansas Industrial Consumers Group ("KICG") in docket number 08-WSEE-1041-RTS, to wit: "the Commission has an interest in knowing the explicit identity of interests an intervening party represents."<sup>2</sup> This Commission has the same interest in knowing the explicit identity of interests an intervening party represents.

12. The deposition scheduled for October 2, 2019 will produce evidence probative of which MECG representations, as discussed above, are accurate and therefore should be allowed to continue as scheduled.

Respectfully Submitted,

STINSON LLP

/s/Joshua Harden

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<sup>2</sup> *In the Matter of the Application of Westar Energy, Inc., and Kansas Gas Electric Company for Approval to Make Certain Changes in their Charges for Electric Service, ORDER DENYING PETITION TO INTERVENE FOR THE KANSAS INDUSTRIAL CONSUMERS GROUP INC. AND GRANTING INTERVENTION FOR PROTECTIONONE, INC. AND CESSNA AIRCRAFT COMPANY AS PART OF THE KANSAS INDUSTRIAL CONSUMERS GROUP, INC., Docket No. 08-WSEE-1041-RTS, par. 9 (2008).*

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ATTORNEYS FOR KCP&L GREATER  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing was filed on EFIS and sent by email on this 1<sup>st</sup> day of October, 2019, to all counsel of record.

/s/Joshua Harden