

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

In the Matter of Kansas City Power & Light)
Company’s Application for Approval of Demand-)
Side Programs and for Authority to Establish A) File No. EO-2014-0095
Demand-Side Programs Investment Mechanism)

**KANSAS CITY POWER & LIGHT COMPANY’S OPPOSITION
TO REQUEST FOR INTERVENTION**

COMES NOW Kansas City Power & Light Company (“KCP&L” or “Company”), pursuant to the Missouri Public Service Commission’s (“Commission”) *Order Directing Notice of Application, Establishing Intervention Filing Date, and Scheduling a Procedural Conference* issued January 8, 2014 and states:

I. STANDARD FOR INTERVENTION

1. Interventions are governed by 4 C.S.R. 240-2.075. Under section 3 of that rule, the Commission will grant intervention if 1) the intervenor has an interest which is different than the general public and which may be adversely impacted by a final order or 2) if granting the intervention would serve the public interest.

II. RESPONSE TO BRIGHTERGY LLC

2. On January 7, 2014, KCP&L filed the above referenced Application which requests the Commission approve its demand-side programs and authority to establish a demand side investment mechanism that will include cost recovery of demand-side program costs, a portion of the net shared benefits, lost revenues and an incentive mechanism.

3. On January 13, 2014, Brightergy LLC (“Brightergy”) filed an application to intervene in the above captioned case.

4. Brightergy has not stated sufficient reasons to justify its request to intervene in this proceeding. In paragraph 3 of its pleading, Brightergy indicates that its LED lighting solutions “may qualify many of its customers for savings via the Missouri Energy Efficiency Investment Act or other electric utility demand-side management programs.” The ability of customers to qualify for DSM programs will be addressed in this case but the interest of any potential Brightergy customer is the same as the general public. This interest will be represented by Commission Staff (“Staff”) and the Office of the Public Counsel (“OPC”). The fact that Brightergy customers may qualify for The Missouri Energy Efficiency Investment Act (“MEEIA”) or other demand-side programs is not a valid basis for intervention by Brightergy.

5. In paragraph 4 of its pleading, Brightergy asserts that because it is a provider of solar generation equipment and energy efficient lighting solutions, Brightergy’s interest is different than that of the general public and may be adversely affected by a final order in this case. By its own pleading, Brightergy has indicated that its concerns are focused on the potential impact of MEEIA on its sales of solar and lighting products. While such concerns are understandable, they do not provide an adequate basis to intervene in this proceeding. KCP&L’s demand-side management (“DSM”) programs do not include solar programs and therefore any order in this case will not adversely affect Brightergy’s solar programs. Moreover, the fact that Brightergy sells efficient lighting is not a factor that should be taken into account by the Commission in establishing KCP&L’s DSM programs. The Commission will evaluate the effectiveness of KCP&L’s DSM programs and value to customers and does not consider the impact of KCP&L’s DSM programs to a vendor of DSM products such as Brightergy. Permitting Brightergy, which has an interest in promoting its line of DSM products, to intervene and potentially provide input into KCP&L’s DSM programs may in fact provide an advantage to

them over other providers of similar products which may not be in the interest of Missouri customers. Unlike the typical intervenor in Commission cases, Brightergy's financial stake in the size, scope and administration of DSM programs is not related to its position as a customer of KCP&L.

6. Brightergy also asserts that its intervention will serve the public interest by assisting the Commission's record for decision. But this case concerns KCP&L's DSM programs and whether they should be approved by the Commission and whether the Company's demand-side programs investment mechanism proposal should be adopted. Any expertise that Brightergy has in solar generation and efficient lighting installation will not advance the record in this case.

7. Brightergy's application is also deficient under 4 C.S.R. 240-2.075(2)(F) as it does not provide its position regarding the relief requested by KCP&L.

8. There are important policy considerations that support limiting the intervention of an applicant that is using intervention at the Commission to promote the sale of its energy efficiency products. KCP&L requests oral argument on Brightergy's application to intervene if the Commission is not inclined to deny it intervention based upon the arguments contained herein.

III. RESPONSE TO MC POWER COMPANIES, INC.

9. On January 21, 2014, MC Power Companies, Inc. ("MC Power") filed an application to intervene in the above-captioned case.

10. MC Power has not stated sufficient reasons to justify its request to intervene in this proceeding. In paragraph 6 of its pleading, MC Power states that it has an interest in the outcome of this case due to the potential impact on "its present and potential future customers as

well as upon the general public.” The ability of customers to qualify for DSM programs will be addressed in this case but the interest of any potential MC Power customer is the same as the general public. This interest will be represented by Staff and OPC. The fact that future MC Power customers may qualify for MEEIA or other DSM programs is not a valid basis for intervention by MC Power.

11. Any impact of this case upon MC Power’s provision of solar and energy efficient lighting is also not a sufficient basis for intervention. MC Power is a seller of solar generation equipment and energy efficient lighting. KCP&L’s DSM programs do not include solar programs and therefore any order in this case will not adversely affect MC Power’s solar programs. Moreover, the fact that MC Power sells efficient lighting is not a factor that should be taken into account by the Commission in establishing KCP&L’s DSM programs. The Commission will evaluate the effectiveness of KCP&L’s DSM programs and value to customers and does not consider the impact of KCP&L’s DSM programs to a vendor of DSM products such as MC Power. Permitting MC Power, which has an interest in promoting its line of DSM products, to intervene and potentially provide input into KCP&L’s DSM programs may in fact provide an advantage to them over other providers of similar products which may not be in the interest of Missouri customers. Unlike the typical intervenor in Commission cases, MC Power’s financial stake in the size, scope and administration of DSM programs is not related to its position as a customer of KCP&L.

12. In paragraph 5 of its pleading, MC Power claims that its intervention in this case will serve the public interest by providing enlightened views based on its expertise in the area of solar energy as an element of demand side investments. Because KCP&L’s DSM programs do

not include solar programs, the intervention of MC Power will not advance the record in this case.

13. There are important policy considerations that support limiting the intervention of an applicant that is using intervention at the Commission to promote the sale of its energy efficiency products. KCP&L requests oral argument on MC Power's application to intervene if the Commission is not inclined to deny it intervention based upon the arguments contained herein.

IV. RESPONSE TO THE MISSOURI INDUSTRIAL ENERGY CONSUMERS

14. On January 22, 2014, the Missouri Industrial Energy Consumers ("MIEC") filed an application to intervene in the above captioned case. The Application indicated that MIEC is a Missouri corporation representing large industrial customers but does not list any of the companies that MIEC represents. KCP&L is unable to discern if any of the members of MIEC are customers of KCP&L.

15. Section 7 of MEEIA codified at Section 393.1075, RSMo. Cum. Supp. 2010, gives large customers the option not to participate in demand-side measures offered by an electric utility. If a company makes this "opt-out" election, none of the costs of demand-side measures of an electric utility are to be assigned to the account of the customer.

16. KCP&L is concerned with the participation in this docket of companies that have opted out of KCP&L's demand-side programs. KCP&L does not believe that such companies have an interest in the proceeding that are different than the general public and that can be adversely affected by the Commission order.

17. MIEC makes the unsupported statement that "MIEC's intervention will serve the public interest by assisting the Commission's record for decision in these cases." But since the

identity of the MIEC clients is not known, the extent of those entities experience with demand-side programs is not known as well.

18. KCP&L requests that the Commission order MIEC to provide the names of the companies it represents so that a determination can be made if those companies have an interest in this case or expertise in demand-side programs.

19. MIEC filed for intervention January 22, 2014 which was one day out of time. MIEC has failed to comply with 4 CSR 240-2.075(10) which states, "Motions to Intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause." MIEC's application does not make a separate showing of good cause as required by the Commission's rule.

WHEREFORE, KCP&L respectfully requests that the Commission issue an order denying the intervention of Brightergy, MC Power and MIEC and such other relief as necessary.

Respectfully submitted,

/s/ Roger W. Steiner

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**ATTORNEYS FOR KANSAS CITY POWER &
LIGHT COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand delivered, emailed or mailed, postage prepaid, on this 24th day of January, 2014 to all parties of record.

/s/ Roger W. Steiner _____

Roger W. Steiner