

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

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

**SURREPLY IN OPPOSITION TO APPLICATION TO INTERVENE**

COMES NOW Kansas City Power & Light Company ("KCP&L" or "Company") and for its *Surreply in Opposition to Application to Intervene* respectfully states as follows to the Missouri Public Service Commission ("Commission"):

1.       Brightergy filed its *Application to Intervene* on November 3, 2014, alleging as grounds therefore that "[A]s a unique energy services company, Brightergy's interest in the issues to be presented in this case are different than those of the general public and may be adversely affected by a final order arising from the case." On November 13, 2014, in reply to KCP&L's *Response in Opposition to Application to Intervene*, Brightergy supplemented the basis of its intervention, alleging that:

Brightergy's interest in this case is that of an energy services company operating in KCP&L's service territory. Any change in rates could potentially affect Brightergy's business, and decisions made regarding renewable energy policies could likewise impact Brightergy's business planning. These factors set its interests apart from those of the general public.

And

No other company with Brightergy's expertise and outlook has petitioned to intervene in this matter. The public's interests will be served through Brightergy's unique business and policy perspectives which will inform the Commission's decision making process.

2.       With all due respect, Brightergy has not yet made showings sufficient for the Commission to grant Brightergy intervention under 4 CSR 240-2.075. More specifically, Brightergy's allegation that:

A. “Any change in rates could potentially affect Brightergy’s business . . .”, does not in any way explain how a final Commission order changing rates in this case could adversely affect Brightergy’s interests.

B. “[D]ecisions made regarding renewable energy policies could likewise impact Brightergy’s business planning . . .” may very well be true, but this is a general rate proceeding initiated by KCP&L which does not implicate renewable energy policies. Again, Brightergy fails to explain how a final Commission order changing rates in this case could adversely affect Brightergy’s interests in renewable energy policy.

C. “No other company with Brightergy’s expertise and outlook has petitioned to intervene in this matter. The public’s interests will be served through Brightergy’s unique business and policy perspectives which will inform the Commission’s decision making process.” is not a sufficient showing. KCP&L might be able to agree to this assertion if Brightergy had articulated an interest that could be adversely affected by a final Commission order in this proceeding, but Brightergy has failed to do so.

3. The Commission’s rules, including 4 CSR 240-2.075, exist for a reason. KCP&L is simply asking Brightergy 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.

WHEREFORE, KCP&L respectfully requests that the Commission deny Brightergy's  
*Application to Intervene.*

Respectfully submitted,

*/s/ Robert J. Hack*

Robert J. Hack, MBN 36496

Phone: (816) 556-2791

E-mail: [rob.hack@kcpl.com](mailto:rob.hack@kcpl.com)

Roger W. Steiner, MBN 39586

Phone: (816) 556-2314

E-mail: [roger.steiner@kcpl.com](mailto:roger.steiner@kcpl.com)

Kansas City Power & Light Company

1200 Main – 16<sup>th</sup> Floor

Kansas City, Missouri 64105

Fax: (816) 556-2787

**Attorneys for Kansas City Power & Light  
Company**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served upon all counsel of record on this 18<sup>th</sup> day of November 2014, by either e-mail or U.S. Mail, postage prepaid.

*/s/ Robert J. Hack*

Robert J. Hack