

**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)

RESPONSE IN OPPOSITION TO APPLICATION TO INTERVENE

COMES NOW Kansas City Power & Light Company (“KCP&L” or “Company”) and for its *Response in Opposition to Application to Intervene* filed by Brightergy, LLC (“Brightergy”) 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.”

2. Commission rule 4 CSR 240-2.075 governs intervention. Subsection (2)(E) of that rule requires “a statement of the proposed intervenor’s . . . interest in the case and reasons for seeking intervention . . .”. Additionally, 4 CSR 240-2.075(3) provides that the Commission *may* grant intervention if:

- (A) The proposed intervenor . . . 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. It is clear, therefore, that intervention is not a matter of right, but rather may be granted by the Commission upon appropriate showings by the proposed intervenor.

4. In this instance, Brightergy has not made the requisite showings. Nowhere in its *Application to Intervene* does Brightergy state either A) what interest Brightergy has in this case, how that interest differs from that of the general public and how that interest might be adversely

affected by a final Commission order arising from this case, or B) how granting Brightergy intervention would serve the public interest. Absent such showings by Brightergy, there is no basis for the Commission to grant intervention to Brightergy.

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

Roger W. Steiner, MBN 39586

Phone: (816) 556-2314

E-mail: roger.steiner@kcpl.com

Kansas City Power & Light Company

1200 Main – 16th 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 12th day of November 2014, by either e-mail or U.S. Mail, postage prepaid.

/s/ Robert J. Hack

Robert J. Hack