



## Department of Energy

Washington, DC 20585

June 29, 2010

Steven C. Reed, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, MO 65101

Re: Case No. ER-2010-0355 - *In the Matter of the Application of Kansas City Power and Light Company for Approval to Make Certain Changes in its Charges for Electric Service to Continue the Implementation of Its Regulatory Plan*

Dear Mr. Reed:

Enclosed for filing in the above referenced case is the application to intervene of the United States Department of Energy, the National Nuclear Security Administration and the Executive Agencies of the Federal Government. The Department, on behalf of the NNSA and the Federal Executive agencies desires to participate in this matter and seeks party status.

Thank you for your attention to this matter. Please let me know if you need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Porter".

Steven Porter  
Assistant General Counsel  
Electricity and Fossil Energy  
United States Department of Energy  
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**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**In the Matter of the Application of Kansas City Power & Light Company for Approval to Make Certain Changes in its Charges for Electric Service to Continue the Implementation of Its Regulatory Plan )  
 ) Case No. ER-2010-0335  
 )  
 )**

**APPLICATION TO INTEVENE OF  
THE UNITED STATES DEPARTMENT OF ENERGY,  
THE NATIONAL NUCLEAR SECURITY ADMINISTRATION,  
AND THE FEDERAL EXECUTIVE AGENCIES**

The United States Department of Energy (“DOE”) and the United States National Nuclear Security Administration (“NNSA”), on behalf of themselves and all other affected Federal Executive Agencies (collectively “DOE/NNSA”), moves to intervene and be accorded full party status. This application is filed in accordance with the Missouri Code of State Regulations, 4 CSR §240-2.075. DOE/NNSA respectfully states as follows:

1. The General Services Administration (GSA) is an agency of the federal government with responsibility to ensure federally-owned facilities incur reasonable utility costs. A delegation of authority from GSA, pursuant to its authority under 49 U. S. C. §§ 121(d)(1) and 501(c), empowers DOE/NNSA to represent all federal executive agencies located in Kansas City Power & Light Company’s (“KCP&L”) service territory;
  
2. DOE/NNSA owns and operates the NNSA Kansas City Site Office and an industrial facility located in Kansas City, Missouri. The DOE/NNSA site office and industrial facility consumes approximately 160,000 mWhs of electric power annually, at a cost of

approximately \$6 million. For this reason, DOE/NNSA's interest differs from that of the general public, and will be materially and substantially affected by KCP&L's request for an increase of \$92.1 million in its Missouri jurisdictional rates. That request will also substantially affect other federal executive agencies;

3. DOE/NNSA intervened and was an active party in case No. EO-2005-0329, which concerned KCP&L's Experimental Regulatory Plan, and in case Nos. ER-2006-0314, ER-2007-0291, and ER-2009-0089, the previous rate cases which KCP&L filed in accordance with its Experimental Regulatory Plan. DOE/NNSA has not yet ascertained the positions that it will take in regard to the rate increases sought by KCP&L;

4. DOE's Office of Assistant General Counsel for Electricity and Fossil Energy has the responsibility of representing DOE facilities in state and federal electric utility rate matters. The undersigned attorneys for DOE/NNSA, Steven A. Porter and Arthur Perry Bruder, are not admitted to practice before the courts of the State of Missouri, but are admitted to practice before the courts of the states of Texas and New York, respectively. Mr. Porter and Mr. Bruder have been in the active practice of law since 1981 and 1970, respectively. Neither Mr. Porter nor Mr. Bruder is under suspension or disbarment by any of the courts of the state in which he is admitted to practice;

5. The undersigned attorneys are in the process of preparing petitions for leave to appear *pro hac vice* herein. DOE/NNSA respectfully requests that this application be granted, pending completion and approval of those petitions;

6. DOE/NNSA designates Ms. Therese Leblanc as associate counsel. Ms. Leblanc is a member of the Missouri Bar (LLC Mo. Bar # 50363) and has an office at 2000 E. 95<sup>th</sup> St. (PO Box 4191590), Kansas City, MO 64141. Ms. Leblanc will enter an appearance as DOE/NNSA associate counsel;

7. DOE/NNSA concurs in the recommended test year and true-up filings;

8. DOE/NNSA respectfully requests that it be allowed to participate via telephone in the July 6, 2010 prehearing conference that the Commission has scheduled in this case;

9. Correspondence or communications regarding this application, including service of all Commission notices and orders, should be addressed to:

Steven A. Porter  
Assistant General Counsel for Electricity and Fossil Energy  
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WHEREFORE, the applicant prays the Commission to grant its request to intervene and be accorded full party status in this docket.

Respectfully submitted this 29th day of June, 2010.



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### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically, by facsimile, or by mail served the foregoing pleading on:

(a) all of the persons named in paragraph 1 of the Commission's June 11, 2010 order herein, and,

(b) all of the legal representatives of all of the entities and individuals that the Commission's Electronic Filing and Information System at this date identifies as parties or petitioners for intervention herein.



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Dated: June 29, 2010