

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

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| In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service |) | Docket No. ER-2014-0370 |
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**BRIGHTERGY LLC SURREPLY TO KANSAS CITY POWER & LIGHT COMPANY'S
RESPONSE IN OPPOSITION TO APPLICATION TO INTERVENE**

Brightergy, LLC ("Brightergy") hereby files its Surreply to Kansas City Power & Light Company's (KCP&L) Surreply in Opposition to Application to Intervene. For its Surreply, Brightergy states as follows:

1. Brightergy filed its Application to Intervene on November 3, 2014.
2. KCP&L filed its Response in Opposition to Application to Intervene on November 12, 2014.
3. Brightergy filed its Reply in Response to KCP&L's Opposition to Application to Intervene on November 18, 2014.
4. KCP&L filed is Surreply in Opposition to Brightergy's Application to Intervene on November 18, 2014.
5. Brightergy again states its contention that its original Application to Intervene was legally sufficient on its face for the Commission to grant it intervention in this matter. It was filed timely, and demonstrated Brightergy's interests as different from those of the general public, its harm that could follow from adverse decisions, and its contribution to the public interest.
6. Brightergy understands the need for strict interpretation of the intervention rules, and the need to set limits to participation in rate cases in the interests of efficiency. However, KCP&L asks

the Commission to assert a standard for intervention that is stricter than what Commission has previously required, and which exceeds the requirements under the Commission's regulations.

7. In paragraph 2(C) of its Surreply, KCP&L finds fault with Brightergy's contention that its intervention in this matter would serve the public interest by adding unique perspectives and expertise to the decision making process. It states that "KCP&L might be abler 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."

8. The rule regarding intervention. 4 CSR 240-2.075(3) states:

The Commission may grant a motion to intervene or add new member(s) if –

(A) The proposed intervenor or new member(s) has an interest which is different from 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. (emphasis added)

9. In making its assertion in paragraph 2(C), KCP&L ties the requirements of 4 CSR 240-2.0755(3) together and asks the Commission to require a proposed intervenor to meet both standards. This is not what the rule requires. The use of the modifier "or" indicates that the Commission may grant intervention to an applicant who meets either standard.

10. KCP&L has not argued that Brightergy's intervention would not serve the public interest. Indeed, it has stated that it "might be able to agree to (Brightergy's) assertion." Because Brightergy's participation in the rate case would serve the public interest and further inform the Commission's decision making, the Commission should not consider this argument as a reason to deny Brightergy's intervention.

11. For further specificity regarding the public interest, Brightergy's team of energy professionals will bring a breadth and depth of both experience and subject matter knowledge that no other intervenor can match. Brightergy will be able to inform the Commission of the benefits of renewable energy technology, energy efficiency and how the expansion and regulation of these services can benefit the ratepayers of the State of Missouri. A number of statutes, including Section 393.1075, promote these subjects as priorities of Missouri's public policy. Expertise in the deployment of renewables and efficiency programs will inform the Commission's deliberations.

12. In response to KCP&L's concerns raised in paragraphs 2(A) and 2(B) of its Surreply, a rate case is a proper forum to consider these subjects. As the Commission considers questions of rate setting, rate design, trackers, and compliance with efficiency and renewable energy standards, it is likely that issues will arise that impact Brightergy's business, including renewables, energy efficiency, demand response, and costs and reimbursements for various services. A final order adverse to any one of these areas could directly impact Brightergy's interests.

13. Specific to this rate case, Tim R. Rush, on pages 35-37 his direct testimony, raises the issue of compliance with Sections 393.1020, 393.1025, and 393.1030, and notes that KCP&L is required to generate at least two percent of its renewable energy requirement from solar energy. As a major installer of large-scale solar projects in KCP&L's service territory, Brightergy has a unique interest in the eventual decisions regarding interpretation and implementation of these statutes.

14. Mr. Rush also raises compliance with the Missouri Energy Efficiency Investment and Recovery Act ("MEEIA") under Section 393.1075 on pages 38-41 of his direct testimony. Brightergy has been an active participant in this program, assisting KCP&L and its customers in achieving compliance with the statute. Here as well, an adverse decision would negatively impact

Brightergy's participation in the program. Brightergy is ready to assist KCP&L in its further administration of this successful program as these issues are debated in this docket.

15. KCP&L asserts that intervenors effectively have veto power over proposed stipulations and thus extend litigation beyond potential settlements. The Commission regularly considers non-unanimous stipulations regarding many issues to which not all parties have agreed. This does not mean that those issues not included survive to hearing. Rather, the Commission can consider them settled without each party signing on. Regardless, 4 CSR 240-2.075 makes no provision for a party's willingness to settle specific issues as a gateway to intervention.

16. Brightergy's business experience, understanding of the renewable and efficiency markets, and knowledge of the regulatory concerns and environment will be invaluable assets for the Commission as it makes decisions on these critical issues.

WHEREFORE, Brightergy LLC respectfully requests that the Commission grant its Application for Intervention filed in this matter.

Respectfully submitted,

/s/ Andrew Zellers

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically via the Electronic Filing and Information System (EFIS) on all counsel of record this 20th day of November, 2014.

/s/ Andrew Zellers

Andrew Zellers