

**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 A General Rate Increase for Electric Service)
) **Case No. ER-2018-0145**
)

In the Matter of KCP&L Greater Missouri Operations Company's Request for Authorization to Implement A General Rate Increase for Electric Service)
) **Case No. ER-2018-0146**
)

**RESPONSE OF KANSAS CITY POWER & LIGHT COMPANY AND KCP&L
GREATER MISSOURI OPERATIONS COMPANY IN OPPOSITION
TO THE ADVANCED ENERGY MANAGEMENT ALLIANCE
APPLICATION TO INTERVENE OUT OF TIME**

COME NOW Kansas City Power & Light Company ("KCP&L") and KCP&L Greater Missouri Operations Company ("GMO") (collectively, the "Company"), pursuant to 4 CSR 240-2.080, 4 CSR 240-2.075, and the Commission's *Notice of Hearing, Order Directing Notice, Setting Conference Date Establishing Intervention Dates, and Directing Filings* entered in this matter on February 8, 2018, files its Response In Opposition to Advanced Energy Management Alliance Application to Intervene Out of Time ("Response"), and respectfully states as follows:

1. On February 8, 2018, the Commission issued its *Notice of Hearing, Order Directing Notice, Setting Conference Date, Establishing Intervention Dates, and Directing Filings* ("Notice") which, *inter alia*, ordered that Applications to Intervene in this matter shall be filed by February 20, 2018.

2. On July 24, 2018, more than five months after the intervention deadline, the Advanced Energy Management Alliance ("AEMA") filed its Application to Intervene Out of Time ("Application"), seeking intervention in this proceeding out of time and asserting that "AEMA has interest in working with KCP&L and GMO to create and expand demand response and distributed energy resource opportunities, via the Indiana Model, as a means of achieving

electricity cost savings for consumers, contributing to system reliability and resilience, and hedging against generation retirement and new capacity builds.” (Application, p. 3)

3. Commission Rule 4 CSR 240-2.075(10) provides that “Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause.” By all appearances, the AEMA is a sophisticated party that should be well aware of filings and proceedings at this Commission as well as Commission rules, yet AEMA has not demonstrated good cause to intervene five months beyond the intervention deadline.

4. In paragraph 4 of the Application, AEMA recites that Staff filed a Motion for Supplemental Direct Testimony in Furtherance of Staff’s Report on Distributed Energy Resources on April 23, 2018. In its Staff Report, Staff recommended the Commission encourage the electric utilities to submit tariffs similar to the Indiana Model. On May 4, 2018, the Commission directed the Company to file supplemental direct testimony “to respond to the recommendations and submit exemplary tariffs, if applicable, related to demand response and the Indiana Model, explain whether those issues should be addressed in the rate cases or in MEEIA Cycle III cases, and more generally, provide any additional information on the companies’ plans related to distributed energy resources.” (Order Granting Motion For Supplemental Direct Testimony).

5. On June 19, 2018, the Company filed supplemental direct testimony addressing this issue. Clearly, the Company, the Commission’s Staff, the Office of the Public Counsel and other parties will address such issue before the Commission as appropriate, and for AEMA to intervene in the case at this late date would be disruptive. This is particularly true since the deadline for filing direct testimony and rebuttal testimony on revenue requirement has already passed, and AEMA will not be in a position to make affirmative recommendations on this issue.

The August 7 deadline for filing rebuttal testimony on rate design is fast approaching. As a result, it is highly likely that AEMA would be in a position to file surrebuttal testimony only. In such case, other parties would have no meaningful opportunity to address AEMA's positions in pre-filed testimony which would be patently unreasonable.

6. Perhaps more importantly, the issues of interest to AEMA – demand response and the Indiana model – would more appropriately be addressed in the Company's MEEIA III filing which is expected to occur later this summer. In the Supplemental Direct Testimony of Kimberly H. Winslow (at page 13) filed in this proceeding on June 19, 2018, the Company stated that it intends to include Market Based Demand Response (MBDR) and associated tariffs, as applicable, as a proposed component of its Business Demand Response program in its upcoming MEEIA Cycle III filing. It would be more appropriate for AEMA to participate in that docket rather than intervene at the eleventh hour in these rate cases.

7. Accordingly, the Company respectfully submits that good cause does not exist for granting AEMA's intervention out of time. This would be consistent with action taken by the Commission regarding late-filed intervention requests in other cases. (*See*, Order Regarding Application To Intervene, Case No. GR-2018-0013, March 14, 2018; and Order Regarding Motion for Reconsideration of Order Allowing Missouri Industrial Energy Consumers to Intervene, Case No. GM-2013-0254, May 29, 2013.)

WHEREFORE, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company respectfully submits its Response in opposition to AEMA's Application to Intervene Out of Time, and requests that the Commission deny the relief requested therein.

Respectfully submitted,

/s/ Robert J. Hack

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission to parties of record on this 30th day of July, 2018, and to the following:

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