

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

In the Matter of Kansas City Power & Light)
Company's Filing for Approval of Demand-Side) File No. EO-2014-0095
Programs and for Authority to Establish A)
Demand-Side Programs Investment Mechanism)

**RESPONSE OF BRIGHTERGY, LLC TO
KANSAS CITY POWER & LIGHT COMPANY'S
OPPOSITION TO REQUEST FOR INTERVENTION**

Brightergy, LLC ("Brightergy"), pursuant to the Missouri Public Service Commission's ("Commission") *Order Establishing Time to Respond to Opposition to Requests to Intervene* issued January 24, 2014, hereby files its Response to Kansas City Power & Light Company's ("KCP&L" or "Company") January 24, 2014 *Opposition to Request for Intervention*. In support of this Response and in addition to its *Application to Intervene*, Brightergy states:

I. PROCEDURAL HISTORY

1. KCP&L filed its Application and supporting testimony in the above-captioned case on January 7, 2014. The KCP&L Application requests the Commission approve the Company's modified demand-side programs and authorize the implementation of a demand-side investment mechanism.

2. Brightergy filed its *Application to Intervene* on January 13, 2014. Brightergy stated that it provides customers with energy efficient LED lighting solutions, and many of these customers may qualify for rebates pursuant to the Missouri Energy Efficiency Investment Act. Brightergy further stated that because it is a provider of energy efficient LED lighting, its interest in this case is different from that of the general public and may be adversely affected by a final order issued by the Commission.

3. KCP&L filed its *Opposition to Request for Intervention* on January 24, 2014. KCP&L’s Opposition requested the Commission deny the separate interventions of Brightergy and MC Power Companies, Inc.—the only two providers of energy efficient products and services to request intervention. Specifically, KCP&L contends that “Brightergy has not stated sufficient reasons to justify its request to intervene in this proceeding.”¹

II. THE KCP&L APPLICATION

4. The Application filed by KCP&L proposes several modifications to the Company’s existing Demand-Side Management Program Portfolio. Among these modifications, KCP&L seeks to implement changes to the Energy Audit and Energy Savings Measures Rebate Rider (“Rebate Rider”).² This Rebate Rider currently provides rebates to ratepayers for a portion of the costs associated with the completion of an energy audit and the installation of energy efficient lighting, lighting controls, air conditioning, and motors.³

5. KCP&L requests Commission permission to eliminate the rebate for a completed energy audit from the current Rebate Rider.⁴ KCP&L also requests authorization to rename the remaining portions of the Rebate Rider to the “Business Energy Efficiency Rebates – Custom” program (“Custom Rebate Program”).⁵ The Custom Rebate Program will provide customer rebates for the installation and use of energy efficient mechanisms in retrofit and new construction projects.⁶

6. The Company also intends to implement a “Business Energy Efficiency Rebates – Standard” program (“Standard Rebate Program”) to complement the modified Custom Rebate

¹ *Kansas City Power & Light Company’s Opposition to Request for Intervention*, Case No. EO-2014-0095, January 24, 2014, at 2.

² See *Direct Testimony of Kimberly H. Winslow*, Case No. EO-2014-0095, January 7, 2014, at 15.

³ *Id.* at 16.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Program.⁷ The Standard Rebate Program is designed to provide fixed rebates and encourage commercial, industrial, and multifamily customers to install energy efficient mechanisms—including lighting and lighting controls—in existing facilities. More specifically, the Company contends that the program will:

- Provide incentives to facility owners and operators for the installation of high efficiency equipment and controls; and
- *Provide a marketing mechanism for electrical contractors, mechanical contractors, and their distributors to promote energy efficient equipment to end users.*⁸

The Customer Rebate Program is intended to provide rebates for energy efficient mechanisms not specifically addressed by the Standard Rebate Program—including those installed in new construction projects.⁹

7. KCP&L further requests authorization to increase the customer maximum rebate levels for the combined Standard and Custom Rebate Programs in order to incent larger, multi-site energy efficiency programs.¹⁰

III. BRIGHTERGY'S INTEREST

8. Pursuant to 4 C.S.R. 240-2.075(3), the Commission will permit a party to intervene in a proceeding 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.¹¹

⁷ *Id.* at 17.

⁸ *Id.* at 18 (emphasis added).

⁹ *Id.* at 16.

¹⁰ *Id.*

¹¹ 4 C.S.R. 240-2.075(3).

a. *Brightergy's Interest is Different From That of the General Public and May Be Adversely Affected by a Final Order.*

9. Contrary to the contentions of KCP&L, Brightergy's interest is different from that of the general public. And Brightergy's unique interest may be adversely affected by a final order in this case. By its terms, the new "Business Energy Efficiency Rebates – Standard" program proposed by KCP&L is intended to achieve two goals and affect two distinct groups. First, the Standard Rebate Program seeks to incent facility owners (i.e., the general public) to install high efficiency equipment and controls in their existing properties.¹² Second, the Standard Rebate Program is intended to aid contractors in increasing energy efficient product sales by ***"[providing] a marketing mechanism for electrical contractors, mechanical contractors, and their distributors to promote energy efficient equipment to their end users."***¹³ KCP&L's proposed Tariff Sheet 1.80 lists "Lighting and Controls" as equipment eligible under the Standard Rebate Program.¹⁴

10. Brightergy, as a provider and installer of energy efficient LED lighting and lighting controls, is clearly an "electrical contractor" and a "distributor" of energy efficient equipment eligible under the Standard Rebate Program. This places Brightergy in the second distinct group addressed by the Standard Rebate Program.

11. Brightergy is confident that the Commission Staff and Office of Public Counsel will fully represent the interests of facility owners and lighting customers (i.e., the general public) in this proceeding. However, as expressed by KCP&L in testimony and proposed tariff sheets, Brightergy's interest as a contractor, distributor, and promoter of Standard Rebate Program eligible products is entirely distinct from that of the general public. Brightergy's

¹² *Direct Testimony of Kimberly H. Winslow*, Case No. EO-2014-0095, January 7, 2014, at 18, Schedule khw-3 Tariff Sheet 1.80.

¹³ *Id.* (emphasis added).

¹⁴ *Id.* at Schedule khw-3 Tariff Sheet 1.80.

business and its ability to market and promote qualifying energy efficient equipment—through customer education and rebate driven financing options—may be directly affected by a final order in this case. And if Brightergy (and any other electrical contractor, mechanical contractor, or distributor seeking intervention) is not permitted to intervene, then the distinct interest of this group in KCP&L’s Application and draft Tariff Sheet No. 1.80 will go unfairly and improperly unrepresented.

b. Brightergy’s Intervention Will Serve the Public Interest.

12. The intervention of Brightergy in this proceeding will serve the public interest. Specifically, Brightergy’s unique position as a marketer, promoter, and installer of energy efficient equipment that is eligible under KCP&L’s new Standard Rebate Program will assist the Commission’s record for decision. As proposed, the KCP&L Standard Rebate Program intends to provide contractors and distributors with a “marketing mechanism” to promote energy efficient equipment to existing facility owners. Aided by its constant interactions with customers, product distributors, and utilities, Brightergy possesses a wealth of energy efficient promotion, sales, and installation expertise. If granted intervention in this proceeding, Brightergy intends to use its expertise to evaluate the scale and effectiveness of KCP&L’s proposed Standard Rebate Program. More importantly, Brightergy will evaluate the scale and effectiveness of the program’s “marketing mechanism” that is intended to benefit contactors and distributors.

13. The record in this proceeding, and the Commission’s final decision regarding a KCP&L promotional “marketing mechanism,” would greatly benefit from the objective evaluation and input of Brightergy—an organization actually engaged in the promotion and marketing of products and services eligible under the Standard Rebate Program.

14. Contrary to the allegations of KCP&L, Brightergy does not wish to intervene in this proceeding to promote the sale of its specific products and services or to gain a competitive advantage over other providers. Instead, Brightergy intends to objectively evaluate the proposed modifications to KCP&L's Demand-Side Management Programs that will directly affect all energy efficient product providers.

15. Pursuant to 4 C.S.R. 240-2.075(2)(F), Brightergy is generally supportive of the modifications and additions to the current Energy Audit and Energy Savings Measures Rebate Rider described by KCP&L in its Application and public testimony. However, without the ability to review KCP&L's highly confidential filings and to conduct discovery, Brightergy is not yet certain what position it will take in this case.

WHEREFORE, Brightergy, LLC respectfully requests that it be permitted to intervene and be made a party to this case for all purposes. Brightergy, as a marketer, promoter, and installer of energy efficient products to KCP&L customers has a clear interest in KCP&L's proposed Standard Rebate Program. This interest is different from that of the general public. In addition, Brightergy's intervention will aid the Commission's record for decision by providing an industry evaluation of KCP&L's proposed energy efficiency "marketing mechanism."

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 28th day of January, 2014, to all parties on the Commission's service list in this case.

/s/ Carson M. Hinderks