

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

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                                     )     Case No. ER-2009-0089

**APPLICATION FOR INTERVENTION**

COMES NOW Trigen-Kansas City Energy Corporation (“Trigen”), and in accordance with 4 CSR 240-2.075, applies to intervene and become a party in the above-referenced case and, in support of this Application For Intervention, respectfully states as follows:

1. Trigen is a corporation organized and existing under the laws of the State of Delaware with its principal office located at 115 Grand Boulevard, Kansas City, Missouri 64106. Trigen is a “heating company” as defined in Section 386.020 RSMo and a “steam heating utility” as defined in 4 CSR 240-3.010 that provides steam heating service in a portion of downtown Kansas City, Missouri, in the Missouri county of Jackson, and as such is subject to the jurisdiction of the Missouri Public Service Commission (“Commission”) as provided by law.

2. Trigen was authorized to provide steam heating service pursuant to authority granted by the Commission in Case No. HA-90-5, issued on December 29, 1989. Trigen has been duly authorized by the Secretary of State of Missouri to transact business as a foreign entity; a copy of Trigen’s Certificate of Good Standing from the

Missouri Secretary of State was submitted in Case No. HM-2004-0618 and is incorporated herein by this reference. Trigen has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three (3) years that involve customer service or rates. Trigen has no annual report or assessment fees that are overdue.

3. All correspondence, pleadings, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and to the following:

Kevin E. Brown  
Senior Vice President  
The Trigen Companies  
2600 Christian Street  
Philadelphia, PA 19146  
Tel: (267) 350-5819  
Fax: (215) 875-6910  
Email: [kbrown@trigen.com](mailto:kbrown@trigen.com)

With a copy to:

Lawrence W. Plitch  
Vice President and General Counsel  
The Trigen Companies  
99 Summer Street, Suite 900  
Boston, MA 02110  
Tel: (617) 849-6630  
Fax: (617) 849-6631  
Email: [lplitch@trigen.com](mailto:lplitch@trigen.com)

4. According to the Commission's *Order Directing Filing and Directing Notice* (the "Order") issued herein on September 12, 2008, on September 5, 2008, Kansas City Power & Light Company ("KCPL") submitted to the Commission proposed tariff sheets intended to implement a general rate increase for electrical service provided in its Missouri service area.

5. The Commission's September 12 Order directed that any entity desiring to intervene in this matter should file an application to intervene no later than October 2, 2008. This Application for Intervention is therefore being timely filed.

6. Trigen has a direct and pecuniary interest in this proceeding which is different from that of the general public. Trigen provides steam heating service in a portion of the same service area in which KCPL provides electric service and, as a result, is a direct competitor of KCPL. Trigen is also an electric customer of KCPL, in addition to being a direct competitor.

7. For the above-stated reasons, Trigen's interest in this proceeding is different from that of the general public and cannot be adequately represented by any other party to this proceeding. While Trigen does not currently have sufficient information to take a position herein, Trigen is concerned that decisions or orders of the Commission herein could adversely impact it, as actions taken by the Commission in this proceeding may substantially affect Trigen's legal and pecuniary interests. The Commission has previously recognized Trigen's unique interest in KCPL rate cases before this Commission by granting Trigen's intervention request in KCPL's last two rate cases, Case No. ER-2006-0314 and Case No. ER-2007-0291.

8. Trigen's participation will aid the Commission in resolving the issues raised in this proceeding. Consequently, Trigen's intervention and participation will promote the public interest.

9. Since there is insufficient information currently available to identify all issues that may arise which will affect Trigen's interests, Trigen reserves its rights to

state its position and participate with regard to any matter or issue arising in this proceeding.

WHEREFORE, having complied with the requirements of 4 CSR 240-2.075, Trigen respectfully requests that the Commission grant this Application for Intervention and permit Trigen to intervene herein and become a party to this proceeding for all purposes.

Respectfully submitted,

**/s/ Jeffrey A. Keevil**

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Jeffrey A. Keevil #33825  
Charles Brent Stewart #34885  
STEWART & KEEVIL, L.L.C.  
4603 John Garry Drive, Suite 11  
Columbia, Missouri 65203  
(573) 499-0635  
(573) 499-0638 (fax)  
[per594@aol.com](mailto:per594@aol.com)  
[stewart499@aol.com](mailto:stewart499@aol.com)

Attorneys for Trigen-Kansas City  
Energy Corporation

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was sent to the Commission's General Counsel's Office, to counsel as directed in the Commission's Order and Notice in this case issued September 12, 2008, and counsel of record by depositing same in the U.S. Mail first class postage paid, by hand-delivery, or by electronic transmission, this 26th day of September, 2008.

**/s/ Jeffrey A. Keevil**

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