

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

In the Matter of Veolia Energy Kansas City, Inc.) File No. HR-2011-0241
for Authority to File Tariffs to Increase Rates) Tracking Nos. YH-2011-0532 and 0533

APPLICATION TO INTERVENE OUT OF TIME

COMES NOW the City of Kansas City, Missouri (hereinafter sometimes the "City"), pursuant to 4 CSR 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene respectfully states:

1. The City of Kansas City, Missouri, is a municipality of the State of Missouri.
2. Correspondence, communications, orders and the decision in this matter should be

addressed to:

Brian Rabineau
Assistant City Attorney
27th Floor City Hall
414 East 12th Street
Kansas City, MO 64106
Telephone No: 816-513-3152
Fax No. 816-513-2716

Mark W. Comley
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3. This case arose when Veolia Energy Kansas City, Inc. ("Veolia Energy") submitted proposed tariff sheets to the Commission which intended to implement a general rate increase for steam service provided to customers in the Missouri service area of the company. On May 2, 2011 the Commission issued an Order Setting Procedural Schedule, Notice of Hearing and Order

Directing Notice, which was modified on May 19, 2011, directing that interested parties wishing to intervene must do so on or before May 11, 2011. This application is therefore out of time.

4. Upon information and belief, the City is not a direct recipient of notices pertaining to rate relief filings by Veolia Energy. Even though a City department knew of Veolia Energy's present filing, through honest error and innocent inadvertence, the City did not timely authorize the filing of this request to intervene. Upon notice that it was not a party to the instant case and upon acquiring needed authority, the City legal department advised counsel to file this application. Failing to meet the intervention deadline was not for purposes of delay but rather due to circumstances which the City asks the Commission to deem excusable.

5. The City has an interest in this proceeding that is different from that of the general public. The City is itself a major consumer of steam supplied by Veolia Energy. It has participated as a party in previous rate proceedings involving Veolia Energy's predecessor, Trigen-Kansas City Energy Corporation. The City is interested in the impact of any decisions in this proceeding on behalf of itself and its residents and businesses. It desires to participate fully in this proceeding including hearing and the briefing of the issues.

6. If the Commission should grant this application, neither the parties nor the Commission will be prejudiced since the City must accept the case in its current state. The Commission has approved a procedural schedule under which the first round of direct testimony of non-Veolia Energy parties is due during August 2011. The interval of time is therefore adequate for any discovery the other parties may wish to serve on the City.

7. The City asserts that its participation in this case will assist the Commission in its understanding and disposition of the issues and that good cause exists for its intervention out of time.

8. The City has not yet adopted a position on the relief requested by Veolia Energy in this case.

WHEREFORE, for the foregoing reasons, the City of Kansas City, Missouri, respectfully requests that the Commission grant its Application to Intervene out of time in this matter, and thereby entitle the City to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the arguments, and in all other respects fully participate in this proceeding.

Respectfully submitted,

/s/ Mark W. Comley

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Attorneys for City of Kansas City, Missouri

ATTORNEY VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for The City of Kansas City, Missouri which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.

/s/ Mark W. Comley

Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 22nd day of June, 2011.

/s/ Annette M. Borghardt

Notary Public for Cole County, MO

M.C.E. 3/11/2014; Commission #10436657

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via email on this 22nd day of June, 2011, to:

General Counsel at gencounsel@psc.mo.gov;
Public Counsel at opcservice@ded.mo.gov;
Diana Vuylsteke at dmvuylsteke@bryancave.com;
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/s/ Mark W. Comley