

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of Veolia Energy Kansas City, Inc.     )  
For Authority to File Tariffs to Increase Rates.     )     Case No. HR-2014-0066

**TRUMAN MEDICAL CENTER'S AMENDED  
PETITION TO INTERVENE OUT OF TIME**

COMES NOW, Truman Medical Center ("TMC") pursuant to 4 CSR 240-2.075(10), and for its application to intervene in the above-captioned proceeding, respectfully states as follows to the Missouri Public Service Commission ("MPSC" or "Commission").

1. On November 27, 2013, Veolia Energy Kansas City, Inc. ("Veolia") filed with the Commission proposed revised tariff sheets intended to implement a general rate increase.

2. In its December 3, 2013 *Order Suspending Tariff, Scheduling Pre-Hearing Conference, Directing Notice, and Setting Deadline for Intervenors*, the Commission directed interested parties to file motions for intervention by December 24, 2013.

3. TMC filed a Petition to Intervene on February 3, 2014, pursuant to Commission Rule 4 CSR 240-2.075(3), seeking permission to intervene out of time.

4. On February 26, 2014, the Commission issued an *Order Denying Application to Intervene* due to TMC's failure to proffer a reason for its inability to file an application to intervene by the December 24<sup>th</sup> deadline. However, the Commission granted TMC an opportunity to resubmit a motion to intervene with the requisite information by March 3, 2014.

5. As noted by the Commission in its February 26, 2014 Order, TMC's original petition established that TMC is a customer of Veolia under the Large Commercial Service tariff, and pays approximately \$150,000 per month to Veolia for steam service. Accordingly, the

Commission stated that “TMC has an interest different from that of the general public that may be adversely affected by a final order in this case,” in satisfaction of 4 CSR 240-2.075(3).

6. With regards to the Commission’s request for an explanation for TMC’s failure to file an application to intervene by the December 24<sup>th</sup> deadline, TMC did not receive the type of notice that it had anticipated for a case such as this. TMC was not provided and had no knowledge of the Commission’s December 3, 2013 Order setting the intervention deadline in this case, but did receive a letter from Veolia dated December 2, 2013, a copy of which was filed by Veolia in this docket on December 12, 2013 (attached hereto as Exhibit A). In that letter, Veolia indicated that it was “in the process of filing” a rate case with the Commission, when in fact it had already filed its proposed tariff revisions with the Commission the prior week. There was nothing in the letter indicating that the docket was underway, no notification of TMC’s rights to intervene in the proceeding, and no indication that TMC would need to file for intervention by a given date. Furthermore, in that letter Veolia closed by stating “[w]e will keep you up to date periodically as the process unfolds over the next year.” Despite this assurance, TMC received no further updates from Veolia regarding this proceeding.

7. Due to this lack of notice and the fact that TMC has not intervened on its own in proceedings before the Commission since 2006,<sup>1</sup> TMC was not aware that this rate case was underway until it was contacted by an outside consultant about the proceeding during the second week of January, after the initial deadline for intervention had already lapsed. Once made aware of Veolia’s filing, TMC proceeded to evaluate Veolia’s proposals, retain and consult with counsel, and prepare and file TMC’s Petition to Intervene on February 3, 2014. TMC moved as

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<sup>1</sup> TMC last intervened in Case No. HA-2006-0294 relating to the application of Trigen-Kansas City Energy Corporation, the predecessor to Veolia, to expand its existing certificated area to include TMC.

quickly as possible to evaluate Veolia's proposal and determine whether intervention would be necessary to protect its interests.

8. Given this background, TMC continues to assert that, consistent with 4 CSR 240-2.075(10), good cause exists for allowing it to intervene subsequent to the December 24, 2013 deadline for interventions. TMC submits that its intervention will provide a valuable perspective for the Commission and the parties on the issues raised in this docket. Furthermore, TMC continues to assert that, due to the early stage of these proceedings, TMC's request for intervention will neither prejudice any other party nor disrupt the established schedule.

9. Finally, if this Petition is granted, pursuant to 4 CSR 240-2.075(10), TMC agrees to accept the record as it currently stands in this proceeding, including the requirements of any orders of the Commission, as of the date this Petition has been filed.

WHEREFORE, TMC respectfully petitions the Commission for intervention in the above-captioned matter, and requests that all pleadings, correspondence, discovery, and other documents be served on the following individuals:

William H. Colby  
Truman Medical Centers  
2301 Holmes Street  
Kansas City, MO 64108  
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Respectfully submitted,



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Kansas City, MO 64112

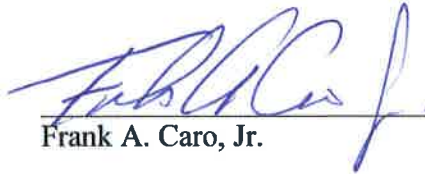
(816) 572-4754

ATTORNEYS FOR TRUMAN MEDICAL  
CENTER

**VERIFICATION**

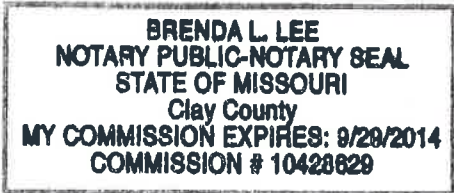
STATE OF MISSOURI            )  
  ) SS  
COUNTY OF JACKSON        )

I, Frank A. Caro, Jr., being first duly sworn, do hereby certify, depose and state that I am the attorney for Truman Medical Center, 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.

  
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Frank A. Caro, Jr.

Subscribed and sworn to before me, a Notary Public this 28<sup>th</sup> day of February, 2014.

  
\_\_\_\_\_  
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via email on this <sup>th</sup> 28 day of February, 2014, to all parties.

## EXHIBIT A



Veolia Energy Kansas City Inc.

115 Grand Boulevard

Kansas City, MO 64106

T: 816.889.4900 F: 816.842.4272

December 2, 2013

Customer Name

Contact person

Address

Kansas City, MO 64106

Veolia Energy Kansas City is in the process of filing rate request with the Missouri Public Service Commission (MPSC) to take effect in the fall of 2014. This rate increase will be modest and primarily reflect price increases in fuel, electricity, water and sewer costs that we are experiencing.

This is only the third rate request that has been requested by the company in over 20 years. Veolia understands the affect that the economy has had on our clients and as such has resisted raising its rates as long as possible. However, we also are a customer of other utilities in the area and also feel the effects of their repeated rate increases. We can no longer afford to maintain our prices constant with steeply increasing costs of electricity, gas, water and sewer.

The rate increase will be determined by the MPSC, however we are working hard to improve our equipment, operations and efficiency in order to reduce costs to minimize the rate increase to our customers. This is an on going effort and it is these efforts that have enabled us to seek fewer and smaller rate increases than other utilities over our history.

We look forward to serving you in the future and being part of the revival of the KC Metro area and making our community one of the finest in the country in which to live, work and raise a family. We will keep you up to date periodically as the process unfolds over the next year. Should you have any question you should feel free to contact Tom Hardwick at 816-889-4973 or email him at [thardwick@veoliaenergyna.com](mailto:thardwick@veoliaenergyna.com).

Regards,

Tim Dickerson  
General Manager  
Veolia Energy