

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

In the Matter of KCP&L Greater Missouri Operations )                   File No. ER-2016-0156  
Company’s Request for Authority to Implement a        )  
General Rate Increase for Electric Service            )                   Tracking No. YE-2016-0223

**ORDER SETTING TIME TO  
SUPPLEMENT APPLICATION TO INTERVENE OUT OF TIME**

Issue Date: April 1, 2016

Effective Date: April 1, 2016

The Missouri Public Service Commission is reserving ruling on the *Application to Intervene Out of Time* (“motion”)<sup>1</sup> filed by the International Brotherhood of Electrical Workers, Local Unions 412, 1464, and 1613 (“Locals”) because, even assuming that all the allegations in the motion are true, they do not meet the standards for late intervention as set by Commission regulation.

This is a general rate action for KCP&L Greater Missouri Operations Company (“GMO”). To intervene, the standard is that:

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 [.]<sup>2</sup>

The Locals argue that they meet that standard because they and their constituents:

. . . may be affected by Orders entered by the Commission in this proceeding [and] are interested parties in this proceeding. The Locals and the employees they represent have a direct interest in this proceeding which is different from that of the general public [that] cannot be adequately represented by any other party. [<sup>3</sup>]

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<sup>1</sup> Electronic Filing Information System (“EFIS”) No. 67 (March 21, 2016) *Application to Intervene Out of Time*.

<sup>2</sup> 4 CSR 240-2.075(3)(A).

<sup>3</sup> EFIS No. 67 (March 21, 2016) *Application to Intervene Out of Time*, page 2, paragraph 4; page 3 paragraph 7.

But no Commission order can affect the interest alleged by the Locals.

The Locals allege the following interest:

Locals [are] labor organizations [that] have separate collective bargaining agreements with [GMO].<sup>4</sup>

[T]o the extent that said Application may impact on the wages, benefits, and terms and conditions of employment of the employees that the Locals represent, the Locals reserve the right to participate in the proceedings to the extent necessary to protect the interests of their members. [<sup>5</sup>]

Those matters are statutorily excluded from the Commission's jurisdiction in this action:

In establishing public utility rates, the commission shall not reduce or otherwise change any wage rate, benefit, working condition, or other term or condition of employment that is the subject of a collective bargaining agreement between the public utility and a labor organization. [<sup>6</sup>]

Therefore, even assuming that everything alleged in the motion is true, the Locals' interest is not subject to any order in this case.

Also, the standard for late intervention is:

Motions to intervene . . . filed after the intervention date may be granted upon a showing of good cause. [<sup>7</sup>]

The motion includes no allegation of good cause for filing after the intervention date,<sup>8</sup> so the motion does not show grounds for late intervention.

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<sup>4</sup> EFIS No. 67 (March 21, 2016) *Application to Intervene Out of Time*, page 1, paragraph 1.

<sup>5</sup> EFIS No. 67 (March 21, 2016) *Application to Intervene Out of Time*, page 2, paragraph 5.

<sup>6</sup> Section 386.315.1, RSMo 2000, emphasis added.

<sup>7</sup> 4 CSR 240-2.075(10).

<sup>8</sup> The deadline for filing an application to intervene was March 17, 2016. EFIS No. 33 (March 3, 2016) *Notice of Hearing; Order Setting Conference Date, Directing Notice of Action, and Directing Filings*, page 1, ordered paragraph 1.

Therefore, the Commission will reserve ruling on the motion pending a supplementary filing as follows.<sup>9</sup>

**THE COMMISSION ORDERS THAT:**

1. Ruling on the *Application to Intervene Out of Time* (“motion”) is reserved.
2. No later than April 13, 2016, the International Brotherhood of Electrical Workers, Local Unions 412, 1464, and 1613 may file a supplement to the motion.
3. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 1<sup>st</sup> day of April, 2016.

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<sup>9</sup> This ruling is consistent with the Commission’s ruling in File No. ER-2012-0175, EFIS No. 119, *Order Regarding Application to Intervene Out of Time. In the Matter of KCP&L Greater Missouri Operations Company’s Request for Authority to Implement General Rate Increase for Electric Service.*