

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

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

SUPPLEMENT TO APPLICATION TO INTERVENE OUT OF TIME

COME NOW International Brotherhood of Electrical Workers, Local Unions No. 412, 1464, and 1613, (“Locals 412, 1464, and 1613” or the “Locals”) by and through their counsel, Blake & Uhlig, P.A., and respectfully submit this Supplement to their Application to Intervene, and state as follow:

1. On March 21st, 2016, Locals 412, 1464, and 1613 filed their initial Application to Intervene Out of Time in the instant matter. EFIS No. 67 (March 21, 2016).

2. The Locals hereby incorporate the contents of their initial Application as if fully set forth herein.

3. On April 1, 2016, the Missouri Public Service Commission issued an Order reserving ruling on the Locals’ Application and permitting the Locals to file a Supplement to their Application stating in greater detail (1) why the Locals have an interest different from that of the general public that can be adversely affected by an order arising from this case, and (2) good cause for filing after the intervention date. EFIS No. 82 (April 1, 2016).

4. Regarding the Locals’ interest, the Commission correctly notes that RSMo § 386.315.1 specifically prohibits the Commission, when establishing public utility rates, from changing, in any way, the 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.

5. However, KCP&L's revenue level impacts its ability to meet its obligations under the Collective Bargaining Agreement, even if those obligations may not be directly changed by the Commission. It is in the Locals' interest that KCP&L's revenue remain sufficient to meet its obligations to the Locals' members. This is not an interest shared with the general public. A final order arising from this case could adversely impact KCP&L's future revenue, and therefore its ability to meet its obligations under the Collective Bargaining Agreement.

6. In addition, KCP&L's revenue level is highly relevant to future Collective Bargaining Agreement negotiations among the Locals and KCP&L. The Collective Bargaining Agreements among KCP&L and the Locals periodically expire and must be renegotiated. KCP&L's current and future projected revenues are central to such negotiations. As noted above, a final order arising from this case could adversely impact KCP&L's future revenue. This, in turn would adversely impact the Locals' ability to secure benefits for their members in future Collective Bargaining Agreement negotiations. This is another interest, different from that of the general public, that may be adversely impacted by a final decision in this case.

7. Third, there is a link between KCP&L's staffing level and its ability to provide services to consumers. It is in the Locals' interest to maintain or increase KCP&L's staffing level in order to protect the interests of its members. This is not an interest shared with the general public. Moreover, the Locals have a unique viewpoint on staffing levels and their impact on customer service as well as the integrity of the

electrical network. A final order arising from this case might allow for a decrease in KCP&L's staffing levels, thereby adversely impacting the Locals' interests.

8. Regarding the Locals' good cause for filing their Application to Intervene Out of Time after the intervention date, counsel for the Locals learned of this action, and the Locals desire to intervene herein, on Friday, March 18, 2016. This was one day after the March 17 intervention deadline set by the Commission. *See* EFIS No. 33 (March 3, 2016). Counsel for the Locals filed their initial Application to Intervene on Monday, March 21, 2016, the next business day.

9. In dealing with applications to intervene out of time, the Commission has previously stated that "Good cause means a good faith basis for reasonable relief." *In the matter of the Application of Ozark Shores Water Company, et al.*, File No. WM-2015-0231, EFIS No. 21, *Order Granting Intervention, Directing Filing, and Staying Proceedings*, (June 2, 2015) (citing *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996)).

10. In *Ozark Shores*, The Commission set the deadline for filing any application for intervention at April 27, 2015. *Id.* The Missouri Attorney General filed his motion seeking intervention on May 20, 2015. *Id.* The Applicants in that matter filed a response in opposition to the Attorney General's intervention and the Missouri Attorney General subsequently filed a reply. *Id.*

11. In support of his good cause to intervene out of time, the Attorney General stated that he had only learned of the *Ozark Shores* action two days before he filed his motion to intervene. *Id.* The Commission found that this constituted good cause. *Id.*

12. The Locals' Application to Intervene Out of Time in the instant case compares favorably with the Attorney General's motion in *Ozark Shores*. The Attorney General's motion came 23 days after the deadline to intervene, while the Locals' Application came only 4 days after the deadline. Both the Attorney General and Counsel for the Locals' filed promptly after learning of the action, with the Attorney General filing his motion two days later and counsel for the Locals filing on the next business day (following a weekend).

13. Moreover, in *Ozark Shores* the Attorney General's motion was opposed by the Applicants in that case. See *In the matter of the Application of Ozark Shores Water Company, et al.*, File No. WM-2015-0231, EFIS No. 17, *Objection to Missouri Attorney General's Application to Intervene Out Of Time* (May 22, 2015). Here, the Locals' intervention is unopposed.

14. Perhaps most importantly, granting the Locals' Application to Intervene Out of Time will not cause hardship to any parties. The Locals' participation does not demand any meaningful amount of resources or additional time from the Commission or any of the parties to this case. The Locals do not ask that the Commission modify its existing schedule, defer pending deadlines, or grant additional discovery orders as part of their prayer for intervention. In no uncertain terms, the Locals assure the Commission that they are prepared to participate within all existing time restrictions, and that they affirmatively accept the record established in this case, including the requirements of any orders of the Commission.

WHEREFORE, for the foregoing reasons, as well as the reasons set forth in their initial Application to Intervene Out of Time, the International Brotherhood of Electrical Workers, Local Unions No. 412, 1464, and 1613 hereby request that the Commission:

- A. Grant them leave to intervene in these proceedings on their behalf and on behalf of their members and to be heard at such time as the Commission may fix; and
- B. In all respects be a party to this proceeding.

Dated, this 12th day of April, 2016.

Respectfully submitted,

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By: /s/ Michael E. Amash

ATTORNEYS FOR IBEW LOCALS 412,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Supplement to Application to Intervene Out of Time* was served upon all parties to this action, either by email and electronically filed using EFIS, this 12th day of April, 2016.

/s/ Michael E. Amash
Attorney for IBEW 412, 1464, and 1613