

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

In the Matter of Kansas City Power & Light Company's)
Submission of its 2013 RES Compliance Plan) Case No. EO-2013-0504

**APPLICATION TO INTERVENE OF
BRIGHTERGY, LLC**

Brightergy, LLC ("Brightergy"), pursuant to 4 C.S.R. 240-2.075, hereby files its application to intervene in the above-captioned proceeding. In support of its application, Brightergy states as follows:

1. Brightergy is a Missouri limited liability company, and is active and in good standing in the State of Missouri. Brightergy is located at 1617 Main Street, 3rd Floor, Kansas City, Missouri 64108.

2. The 2013 Annual Renewable Energy Standard Compliance Plan ("Compliance Plan"), submitted by Kansas City Power & Light Company ("KCPL") calculates the retail rate impact of KCPL compliance with the Missouri Renewable Energy Standard ("RES"). KCPL's Compliance Plan estimates its annual RES compliance costs for 2013, 2014, and 2015 will exceed the one percent rate impact limit provided by 4 C.S.R. 240-20.100(5)(A). As a result, KCPL claims it must limit solar rebates paid pursuant to 4 C.S.R. 240-20.100(4).

3. Brightergy designs and installs commercial and residential facilities to generate and utilize solar energy. Specifically, the services provided by Brightergy include: (i) site evaluation, to determine the viability of solar energy applications; (ii) analysis, to provide suggested solar system size, possible energy savings, financial analysis, and environmental analysis; (iii) solar system design; (iv) permit and financial incentive processing, including

federal and state permitting, incentives, and utility interconnection; (v) solar system installation; and (vi) service and ongoing support, including the monitoring of solar system performance.

4. Brightergy's interest in the 2013 Compliance Plan submitted by KCPL is different than that of the general public, and may be adversely affected by a final order arising from this case.

5. Brightergy is directly and adversely affected by KCPL's calculation of the retail rate impact of RES compliance. The business of Brightergy is also directly and adversely affected by KCPL's proposal to limit solar rebates paid pursuant to 4 C.S.R. 240-20.100(4).

6. Brightergy contends that the KCPL Compliance Plan erroneously calculates the Company's one percent statutory rate cap mandated by 4 C.S.R. 240-20.100(5). In addition, the KCPL Compliance plan overstates the annual retail rate impact of solar rebates to be paid in 2013, 2014, and 2015.

7. In its most recent rate case, KCPL agreed to amortize all RES compliance costs incurred, through the true-up in that case, over a period of three years. *See* Second Non-Uniform Stipulation and Agreement As To Certain Issues, Case No. ER-2012-0175 (November 8, 2012). All RES compliance costs incurred after the true-up in Case No. ER-2012-0175 were to be recorded in a deferred account. *Id.* Accordingly, the annual costs of RES compliance—including the payment of solar rebates—do not directly impact rates in the year those costs are incurred.

8. While not apparent in the KCPL Compliance Plan, Brightergy believes that each KCPL annual rate impact calculation includes the full, undeferred solar rebate balance payable in 2013, 2014, and 2015, respectively. If so, KCPL's calculation significantly and improperly overstates the annual rate impact of RES compliance.

9. In addition, KCPL's Compliance Plan fails to comply with the requirements of 4 C.S.R. 240.100(7)(B). The KCPL Compliance Plan does not provide a detailed analysis with sufficient information to verify the Company's RES Compliance Plan is the least cost, prudent methodology. KCPL also fails to provide a detailed explanation of its RES retail rate impact calculation.¹

10. The KCPL Compliance Plan does not properly utilize ten year averaging of compliance costs in order to "smooth out some of the spikes in compliance costs that might occur when new technologies are first implemented." *State ex rel. MEDA v. PSC*, 386 S.W. 3d 165, 174 (Mo. Ct. App. 2012).

11. The KCPL Compliance Plan fails to provide an estimate of avoided fuels costs over the next ten years as required by 4 C.S.R. 240.100(5)(B).

12. In any event, the KCPL Compliance Plan attempts to comply with 4 C.S.R. 240-20.100 in such a minimal manner that discovery is necessary for interested parties to evaluate KCPL's plan. As filed, the KCPL Compliance Plan fails to present sufficient information for the Commission, its Staff, and interested persons or entities to conduct a meaningful review.

13. Brightergy's intervention will advance the interests of justice and will in no way impair the prompt consideration and resolution of this matter by the Commission.

WHEREFORE, Brightergy, LLC requests that it be permitted to intervene and be made a party to this case for all purposes.

¹ For example, Table 3 on page 11 of KCPL's Compliance Plan concludes that the retail rate impact for 2013, 2014, and 2015 is 1.00% without providing an analysis sufficient for interested parties to evaluate and comment on its calculation.

Respectfully submitted,

SMITHYMAN & ZAKOURA, CHARTERED

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 17th day of June, 2013, to all parties on the Commission's service list in this case.

/s/ Carson M. Hinderks