

# Kansas City Power & Light®



## WRITER'S DIRECT DIAL:

**☎ (816) 556-2263**  
**FAX: (816) 556-2787**

**FILED<sup>2</sup>**

**JAN 22 2003**

**Missouri Public  
Service Commission**

January 21, 2003

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, Missouri 65102

Re: In the Matter of The Empire District Electric  
Company Transferring Functional Control  
Over Transmission Facilities to the Midwest  
Independent Transmission System Operator, Inc.

Case No. EO-2003-0015

Dear Mr. Roberts:

I have enclosed for filing the original and eight copies of Kansas City Power & Light Company's Application to Intervene Out of Time.

Please bring this filing to the attention of the appropriate Commission personnel.

Sincerely,

CAROL SIVILS  
Legal Assistant

Enclosures

cc: Parties of record

**FILED<sup>2</sup>**

JAN 22 2003

Missouri Public  
Service Commission

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

In the Matter of The Empire District Electric )  
Company Transferring Functional Control )  
Over Transmission Facilities to the Midwest )  
Independent Transmission System Operator, )  
Inc. )

Case No. EO-2003-0015

**APPLICATION OF  
KANSAS CITY POWER & LIGHT COMPANY  
TO INTERVENE OUT OF TIME**

COMES NOW Kansas City Power & Light Company ("KCP&L") by and through its counsel and pursuant to 4 CSR 240-2.075 applies to intervene in the above-entitled matter out of time. In support of its application, KCP&L alleges and states:

1. KCP&L is a corporation organized and existing under and by virtue of the laws of the State of Missouri, with its principal office at 1201 Walnut, Kansas City, Missouri 64106-2124. KCP&L's Certificate of Good Standing was provided in Case No. EF-2002-315 and is incorporated herein by reference.

2. KCP&L holds Certificates of Convenience and Necessity from the Commission to transact business as an electric public utility in certain areas of the State of Missouri and is principally engaged in the generation, transmission, distribution and sale of electric power and energy.

3. As an electric public utility owning and operating electric transmission facilities, KCP&L is also subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC").

4. Communications in this matter should be addressed to:

Timothy M. Rush  
Director, Regulatory Affairs  
Kansas City Power & Light Company  
1201 Walnut  
P.O. Box 418679  
Kansas City, Missouri 64141-9679  
Telephone: (816) 556-2344  
Facsimile: (816) 556-2110  
Email: tim.rush@kcpl.com

Michael A. Rump  
Senior Attorney  
Kansas City Power & Light Company  
1201 Walnut  
P.O. Box 418679  
Kansas City, Missouri 64141-9679  
Telephone: (816) 556-2483  
Telecopy: (816) 556-2787  
Email: mike.rump@kcpl.com

5. KCP&L has heretofore filed with this Commission a certified copy of the Articles of Consolidation under which it was organized and of all amendments thereto.

6. KCP&L has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court, which involve customer service or rates, which has occurred within three (3) years of the date of this Application, except as identified on Exhibit 1 hereto. No annual report or assessment fees are overdue.

7. KCP&L requests leave to intervene in the above-entitled matter out of time. Commission Rule 4 CSR 240-2.075(5) states that applications filed after the intervention date may be granted upon a showing of good cause.

8. In consideration of Orders issued by and Rule Making proceedings pending at the FERC, KCP&L intends to join the Regional Transmission Organization ("RTO"), which will result from the merger of the Southwest Power Pool ("SPP") and the Midwest Independent

Transmission System Operator ("MISO"). The RTO resulting from the merger of SPP and MISO is currently referred to as the "Resulting Company". KCP&L is currently preparing a Conditional Membership Application concerning its membership in the Resulting Company to be submitted to MISO.

9. Attached hereto as Exhibit 2 is a copy of a Status Report submitted January 15, 2003, in FERC Docket No. ER02-1420-003. This Status Report describes KCP&L's efforts and progress in joining the Resulting Company. The Status Report indicates that KCP&L anticipates filing for State Commission and FERC approval of KCP&L's membership and transfer of functional control of KCP&L's transmission facilities to the Resulting Company after MISO accepts KCP&L's Conditional Membership Application.

10. Although KCP&L has been actively participating in resolving issues pertaining to the development of the Resulting Company numerous issues impacting KCP&L's transmission business remain unresolved. Several proceedings at FERC will impact the operation, revenue and costs associated with KCP&L's transmission system. For this and other reasons, KCP&L has been reviewing its options with regard to transmission facilities and has not previously applied for membership in the Resulting Company, nor sought the permission of this Commission to transfer functional control of KCP&L's transmission facilities. These same reasons influenced KCP&L's decision not to previously intervene in the present proceeding.

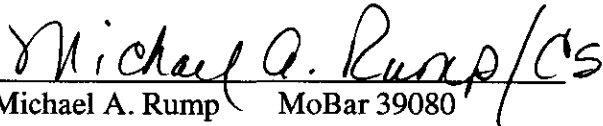
11. As an electric public utility subject to the jurisdiction of both this Commission and FERC, KCP&L has an interest in this matter and the recommendations submitted by Staff. Since KCP&L anticipates filing an application with the Commission to transfer functional control of its transmission facilities to the Resulting Company, after MISO accepts KCP&L's Conditional Membership Application, the Staff recommendations and any Commission Order

regarding those recommendations will serve as precedent for KCP&L's application. Accordingly, KCP&L's interest in this proceeding is different from that of the general public and may be adversely affected by a final Commission Order in this matter.

12. KCP&L seeks to intervene in this matter for the purpose of submitting comments on the Staff Recommendation. KCP&L opposes certain conditions proposed by Staff for the transfer of functional control of transmission facilities owned by The Empire District Electric Company to the Resulting Company. KCP&L's participation in this matter will not delay or hinder these proceedings.

WHEREFORE, for the above and foregoing reasons, Kansas City Power & Light Company respectfully requests permission to intervene out of time in the above-entitled matter and to submit comments to the Staff Recommendation filed herein.

Respectfully submitted,

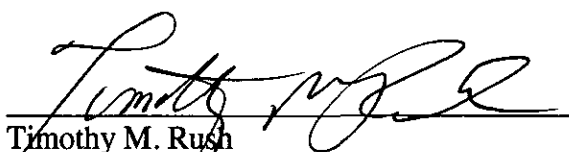
  
Michael A. Rump MoBar 39080  
Senior Attorney  
1201 Walnut  
P.O. Box 418679  
Kansas City, Missouri 64141-9679  
Telephone: (816) 556-2483  
Telecopy: (816) 556-2787

Attorney for  
Kansas City Power & Light Company

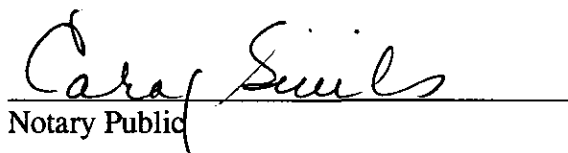
**VERIFICATION**

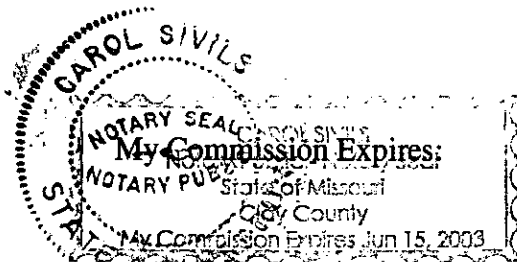
State of Missouri     )  
                              )  
County of Jackson    )     Ss:

Timothy M. Rush, being first duly sworn upon his oath, deposes and states that he is Director, Regulatory Affairs for Kansas City Power & Light Company, that he has read and is familiar with the foregoing application and that the statements therein are true and correct to the best of his knowledge, information and belief.

  
Timothy M. Rush

Subscribed and sworn to before me this 21st day of January, 2003.

  
Notary Public



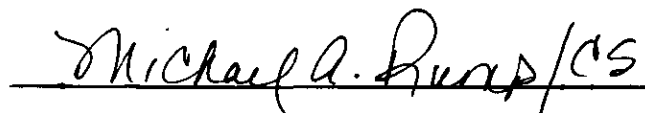
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing application of Kansas City Power & Light Company to intervene out of time was deposited in the U.S. Mail, postage prepaid, on the 21st day of January 2003, to:

Dana Joyce  
Steven Dottheim  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65101

John Coffman  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65101

James Swearengen  
Brydon, Swearengen & England  
312 East Capitol  
P.O. Box 456  
Jefferson City, MO 65102-0456



### **EXHIBIT 1**

The following is a list of Applicant's pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application:

1. GST Appeal of Missouri Public Service Commission Decision; Case No. EC-99-553 in the Circuit Court of Cole County, Missouri; Docket No. 00CV324891; further appealed to the Court of Appeals of the Western District of Missouri by GST.
2. Hawthorn Station Incident Investigation before the Missouri Public Service Commission; Case No. ES-99-581.

**EXHIBIT 2**

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Kansas City Power & Light Company**

)

**Docket No. ER02-1420-003**

**STATUS REPORT OF  
KANSAS CITY POWER & LIGHT COMPANY**

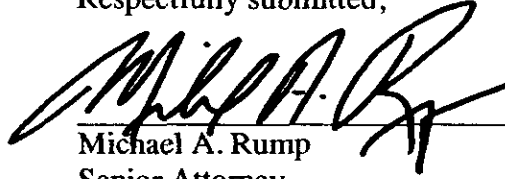
Pursuant to the FERC order of December 19, 2002 in Docket Nos. ER02-1420-003, 004 and 006 Kansas City Power & Light Company ("KCPL") hereby submits this status report regarding its progress toward joining the Regional Transmission Organization ("Resulting Company ") resulting from the merger of the Southwest Power Pool ("SPP") and the Midwest Independent Transmission System Operator ("MISO").

KCPL intends to join the Resulting Company as a Transmission Owner. KCPL is currently preparing a Conditional Membership Application and expects to submit the Application to MISO in February 2003. KCPL has met with Missouri and Kansas state regulators, informing them of activities and developments relating to the MISO/SPP merger, as well as the broader issues relating to the formation and regulation of RTOs. KCPL has informed both state Commissions that it intends to file for state approvals to join the Resulting Company. KCPL intends to file for state and FERC approvals shortly after MISO accepts the Conditional Membership Application. KCPL has actively participated in the resolution of issues pertaining to the development of the Resulting Company and hope the remaining issues can be resolved quickly. KCPL has also been actively participating in various MISO working committees,



examining internal processes, and preparing to participate in Resulting Company and will continue to do so.

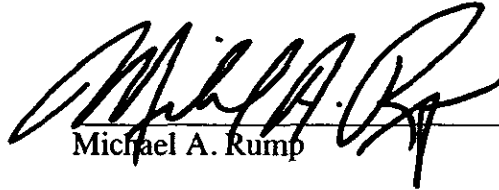
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Rump", written over a horizontal line.

Michael A. Rump  
Senior Attorney  
Kansas City Power & Light Company  
1201 Walnut Street  
Kansas City, Missouri 64106-2124  
Phone: (816) 556-2483  
Fax: (816) 556-2483  
mike.rump@kcpl.com

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 15th day of January, 2003, served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

A handwritten signature in black ink, appearing to read "Michael A. Rump", written over a horizontal line.

Michael A. Rump