

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

In the Matter of KCP&L Greater Missouri Operations)
Company's Application for Approval of Demand-)
Side Programs and for Authority to Establish a) **File No. EO-2012-0009**
Demand-Side Programs Investment Mechanism)

**MIEC'S RESPONSE TO KCP&L GREATER MISSOURI OPERATIONS COMPANY'S
OBJECTION TO MIEC'S APPLICATION TO INTERVENE**

COMES NOW the Missouri Industrial Energy Consumers ("MIEC") and in response to KCP&L Greater Missouri Operations Company's ("GMO") objection to the MIEC's application to intervene, states as follows:

1. The MIEC is a Missouri corporation representing the interests of large industrial electricity consumers.
2. The companies represented by the MIEC include Boehringer-Ingelheim, which is a customer of GMO. It is anticipated that other customers of GMO may also participate in this matter as members of the MIEC, but due to the short time schedule, they have not yet been identified.
3. As large industrial electricity consumers, the interests of the MIEC are different than that of the general public. Specifically, because these companies consume large amounts of electricity in their operations, the costs associated with electricity have a direct impact on the companies' ability to make a profit and continue in business. In addition, the cost of electricity in the state of Missouri has a direct impact on the companies' decisions concerning where to locate their facilities, operations and employees. In addition, because this is a case of first impression with the Commission, this case will establish precedents that will apply in subsequent

cases involving other electric utilities. For these reasons, the MIEC may be adversely affected by a final order arising from this case.

4. Moreover, contrary to GMO's assertions, large industrial electricity consumers that have elected to "opt out" of GMO's demand-side programs have an interest in this proceeding that is different than the general public and can be adversely affected by a Commission order, for the following reasons:

a. One of the purposes of this case is to identify which costs should, and which costs should not, be charged to customers who have elected to opt-out of the programs. Large industrial consumers who have opted out of the programs have an interest in ensuring that GMO is properly identifying all costs of the programs, and that these costs are being borne solely by participating customers.

b. An opt-out decision is not permanent. Under 4 CSR 240-20.094(6)(H), an "opt out" customer may revoke its decision and rejoin the programs. Thus a large industrial consumer that has opted out may become a participant in the programs in the future. Unless these consumers are permitted to participate in these proceedings, they will have no ability to have meaningful input concerning the design, structure and implementation of the programs.

c. In the instant case, GMO has requested a variance that will have an impact on customers that have opted out of the programs. *See* Rush, Direct Testimony, p. 27. This variance, if granted, would prohibit interruptible customers who have opted out of the DSM program from participating in interruptible rates. This is a direct violation of the Missouri Energy Efficiency Investment Act, and both current and potential interruptible customers have an interest in this issue.

5. Intervention by the MIEC will serve the public interest by assisting the Commission's record for decision in this case.

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

Respectfully submitted,

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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 27th day of January, 2012, to all parties on the Commission's service list in this case.

/s/ Diana Vuylsteke