

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 29th day of January, 2014.

In the Matter of Kansas City Power & Light)
Company's Filing for Approval of Demand-Side) **File No. EO-2014-0095**
Programs and for Authority to Establish A)
Demand-Side Programs Investment Mechanism)

ORDER REGARDING APPLICATIONS TO INTERVENE

Issue Date: January 29, 2014

Effective Date: January 29, 2014

On January 7, 2014, Kansas City Power & Company (KCP&L) filed an application for approval of Demand-Side Programs and for authority to establish a Demand-Side Programs Investment Mechanism. That application was accompanied by an implementing tariff that carries an effective date of May 7.

The Commission directed that notice of KCP&L's filing be given to potentially interested parties and established January 21 as the deadline for submission of applications to intervene. The Commission also ordered that any response to any application to intervene be filed no later than January 24.

Renew Missouri

Earth Island Institute d/b/a Renew Missouri (Renew Missouri) filed a timely application to intervene on January 10. Renew Missouri indicates it is a nonprofit corporation seeking to transform Missouri into a leading state in renewable energy and energy efficiency by 2016. Renew Missouri asserts that as an advocate for maximum utility investment in energy efficiency, its interests differ from those of the general public

and may be adversely affected by a final order arising from this case. No party has opposed Renew Missouri's application to intervene.

The Commission finds that Renew Missouri's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing Renew Missouri to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant Renew Missouri's application to intervene.

Ameren Missouri

Union Electric Company d/b/a Ameren Missouri filed a timely application to intervene on January 15. Ameren Missouri indicates it is a Missouri corporation and a public utility providing electric and natural gas service in portions of Missouri. Ameren Missouri asserts that as an electric utility it has a direct interest in the Commission's interpretation and application of the Missouri Energy Efficiency Investment Act. No party has opposed Ameren Missouri's application to intervene.

The Commission finds that Ameren Missouri's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing Ameren Missouri to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant Ameren Missouri's application to intervene.

Division of Energy

The Missouri Department of Economic Development - Division of Energy filed a timely application to intervene on January 17. The Division of Energy indicates it is a state agency that has an interest in encouraging energy efficiency through cost-effective

demand-side programs. No party has opposed the Division of Energy's application to intervene.

The Commission finds that the Division of Energy's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing the Division of Energy to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant the Division of Energy's application to intervene.

Empire

The Empire District Electric Company filed a timely application to intervene on January 21. Empire indicates it is a Kansas corporation and a public utility providing electric, water, and natural gas service in portions of Missouri. Empire asserts that as an electric utility it has a direct interest in the Commission's interpretation and application of the Missouri Energy Efficiency Investment Act. No party has opposed Empire's application to intervene.

The Commission finds that Empire's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing Empire to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant Empire's application to intervene.

Sierra Club

Sierra Club filed a timely application to intervene on January 21. Sierra Club indicates it is a nonprofit corporation interested in preserving and protecting environmental

values and in promoting energy efficiency. Sierra Club asserts that as an advocate for energy efficiency, its interests differ from those of the general public and may be adversely affected by a final order arising from this case. No party has opposed Sierra Club's application to intervene.

The Commission finds that Sierra Club's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing Sierra Club to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant Sierra Club's application to intervene.

NRDC

The Natural Resources Defense Council (NRDC) filed a timely application to intervene on January 21. NRDC indicates it is a nonprofit corporation interested in preserving and protecting environmental values and in promoting energy efficiency. NRDC asserts that as an advocate for energy efficiency, its interests differ from those of the general public and may be adversely affected by a final order arising from this case. No party has opposed NRDC's application to intervene.

The Commission finds that NRDC's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing NRDC to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant NRDC's application to intervene.

Brightergy

Brightergy, LLC filed a timely application to intervene on January 13. Brightergy indicates it is a Missouri limited liability company with its principal place of business in Kansas City, Missouri. Brightergy designs and installs commercial and residential facilities to generate and utilize solar energy. It also designs, sells and installs energy efficient LED lighting solutions for commercial and residential ratepayers throughout Missouri. Brightergy asserts that as a provider of solar generation equipment and energy efficient lighting solutions, its interests differ from those of the general public and may be adversely affected by a final order arising from this case. On January 24, KCP&L filed a pleading opposing Brightergy's application to intervene.

KCP&L claims that Brightergy has not stated sufficient reason to justify its request to intervene. According to KCP&L as a seller of solar and lighting solutions, Brightergy's only interest in this case is to protect the interest of its customers in qualifying for DSM incentives. For that reason, its interest is no different from that of the general public and can be adequately protected by the Office of the Public Counsel and the Commission's Staff. KCP&L claims that allowing Brightergy, which has an interest in promoting its line of DSM products, to intervene may allow that company an unfair advantage over providers of similar products, which may not be in the interest of Missouri customers. KCP&L also asserts that Brightergy's narrow interests will not serve the public interest and complains that Brightergy does not state its position regarding the relief requested by KCP&L.

Finally, KCP&L asserts that there are important policy considerations that support limiting the intervention of an applicant that is using intervention to promote the sale of its

energy efficiency products and requests oral argument on the application to intervene if the Commission is not inclined to deny intervention on its written arguments.

Brightergy responded to KCP&L on January 28. Brightergy asserts that a portion of KCP&L's proposed changes to its DSM programs are intended to provide a marketing mechanism for electrical contractors, mechanical contractors and their distributors to promote energy efficient equipment to their end users. As a contractor, Brightergy asserts that its interest in KCP&L's application is distinct from that of the general public. Furthermore, it asserts that as a contractor, its expertise will assist the Commission in evaluating KCP&L's proposal and will therefore serve the public interest. Brightergy also explains that until it has had a chance to fully evaluate KCP&L's application, including confidential information that it will not be able to review until it is made a party, it is not yet certain what position it will take in this case.

The Commission finds that Brightergy's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing Brightergy to intervene will serve the public interest. KCP&L does not indicate the nature of the other important policy considerations that might support preventing Brightergy from intervening in this case, but given the short time allowed by statute for the Commission to consider KCP&L's application, scheduling an oral argument to allow KCP&L to present additional arguments that it did not see fit to include in its written pleading is not appropriate. In accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant Brightergy's application to intervene.

MC Power

MC Power Companies, Inc. filed a timely application to intervene on January 21. MC Power indicates it is a Missouri corporation with its principal place of business in Lee's Summit, Missouri. MC Power designs and installs commercial and residential facilities to generate and utilize solar energy and energy efficient lighting solutions for commercial and residential ratepayers throughout Missouri. MC Power asserts that as a provider of solar generation equipment and energy efficient lighting solutions, its interests differ from those of the general public and may be adversely affected by a final order arising from this case. On January 24, KCP&L filed a pleading opposing MC Power's application to intervene.

KCP&L claims that MC Power has not stated sufficient reason to justify its request to intervene. According to KCP&L, as a seller of solar and lighting solutions, MC Power's only interest in this case is to protect the interest of its customers in qualifying for DSM incentives. For that reason, its interest is no different from that of the general public and can be adequately protected by the Office of the Public Counsel and the Commission's Staff. KCP&L claims that allowing MC Power, which has an interest in promoting its line of DSM products, to intervene may allow that company an unfair advantage over providers of similar products, which may not be in the interest of Missouri customers. KCP&L also asserts that MC Power's narrow interests will not serve the public interest.

Finally, KCP&L asserts that there are important policy considerations that support limiting the intervention of an applicant that is using intervention to promote the sale of its energy efficiency products and requests oral argument on the application to intervene if the Commission is not inclined to deny intervention on its written arguments.

MC Power responded to KCP&L on January 28. As a contractor providing DSM products, MC Power asserts that its interest in KCP&L's application is distinct from that of the general public. Furthermore, it asserts that as a contractor, its expertise will assist the Commission in evaluating KCP&L's proposal and will therefore serve the public interest. MC power also explains that until it has had a chance to fully evaluate KCP&L's application, including confidential information that it will not be able to review until it is made a party, it is not yet certain what position it will take in this case.

The Commission finds that MC Power's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing MC Power to intervene will serve the public interest. KCP&L does not indicate the nature of the other important policy considerations that might support preventing MC Power from intervening in this case, but given the short time allowed by statute for the Commission to consider KCP&L's application, scheduling an oral argument to allow KCP&L to present additional arguments that it did not see fit to include in its written pleading is not appropriate. In accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant MC Power's application to intervene.

MIEC

On January 22, the Missouri Industrial Energy Consumers (MIEC) filed an application to intervene out of time. MIEC is a Missouri corporation whose members are large industrial customers of KCP&L. MIEC asserts that as the representative of large industrial customers of KCP&L, its interests differ from those of the general public and may

be adversely affected by a final order arising from this case. On January 24, KCP&L filed a pleading opposing MIEC's application to intervene.

KCP&L claims that the large industrial customers represented by MIEC are allowed to opt-out of the MEEIA DSM programs. For that reason it asserts that MIEC has not stated sufficient reason to justify its request to intervene. KCP&L further asserts that MIEC has failed to make a showing of good cause for its untimely application to intervene.

The Commission ordered MIEC to respond to KCP&L pleading no later than 1:00 p.m. on January 28. MIEC did not respond.

The Commission is troubled by MIEC's failure to respond. Commission rule 4 CSR 240-2.075(10) provides that the Commission may grant a late-filed application to intervene if it finds good cause to do so. The Commission does not have a response from MIEC and its application to intervene offers little to explain why it was filed late. MIEC states only that it will accept the record as it stands and that this case is at an early stage and no party will be prejudiced by its intervention. On the other hand, MIEC filed its application only one day late and as the Commission explained in its January 8 order establishing a short intervention deadline the Commission is willing to accept late-filed applications upon a showing of good cause. Under the circumstances of this case, the Commission will find good cause for MIEC's late filing of its application to intervene.

In considering that application to intervene, the Commission finds that MIEC's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing MIEC to intervene will serve the public interest. In accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant MIEC's application to intervene.

MECG

On January 24, the Midwest Energy Consumers' Group (MECG) filed an application to intervene out of time. MECG is an association whose members are large industrial and commercial customers of KCP&L.¹ MECG asserts that as a representative of large industrial and commercial customers of KCP&L, its interests differ from those of the general public and may be adversely affected by a final order arising from this case. No party has opposed MECG's application to intervene.

Commission rule 4 CSR 240-2.075(10) provides that the Commission may grant a late-filed application to intervene if it finds good cause to do so. MECG explained that the intervention period for this case was shorter than customary due to the mandatory timeline of this case. MECG filed its application only three days late and as the Commission explained in its January 8 order establishing a short intervention deadline the Commission is willing to accept late-filed applications upon a showing of good cause. Under the circumstances of this case, the Commission will find good cause for MECG's late filing of its application to intervene.

In considering that application to intervene, the Commission finds that MECG's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing MECG to intervene will serve the public interest. In accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant MECG's application to intervene.

¹ For purposes of this case, the members of MECG are Praxair, Inc.; General Mills, NKC Hospital; and Walmart Stores, Inc.

THE COMMISSION ORDERS THAT:

1. The Application to Intervene of Earth Island Institute d/b/a Renew Missouri is granted.
2. The Application to Intervene of Union Electric Company d/b/a Ameren Missouri is granted.
3. The Application to Intervene of the Missouri Department of Economic Development – Division of Energy is granted.
4. The Application to Intervene of The Empire District Electric Company is granted.
5. The Application to Intervene of Sierra Club is granted.
6. The Application to Intervene of the Natural Resources Defense Council is granted.
7. The Application to Intervene of Brightergy, LLC is granted.
8. The Application to Intervene of MC Power Companies, Inc. is granted.
9. The late-filed Application to Intervene of the Missouri Industrial Energy Consumers is granted.
10. The late-filed Application to Intervene of the Midwest Energy Consumers' Group is granted.

11. This order shall become effective upon issuance.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
and Hall, CC., concur.

Woodruff, Chief Regulatory Law Judge