



adopted a specific regulation<sup>2</sup> that addresses the possibility that the Commission may issue an order granting an applicant the opportunity to intervene and participate in cases after the date for filing intervention applications. As explained herein, Evergy has complied with the Commission's rule.

5. As explained in Evergy's Application, there is good cause for the Commission to exercise its discretion to allow Evergy to intervene and participate in this case because Evergy has recently become aware of issues in the Ameren Rate Cases which have the potential to establish regulatory policies that may adversely affect Evergy in the future. In particular, Ameren has proposed the inclusion of certain renewable energy facilities in rate base.<sup>3</sup> Evergy expects to have similar renewable energy facilities included in future rate cases. Any regulatory decision in the Ameren rate case related to the regulatory and ratemaking treatment of such renewable energy facilities is likely to have a direct impact on similar regulatory and ratemaking issues related to renewable energy facilities in Evergy's future rate cases.

6. In addition, the Ameren rate case includes innovative residential rate designs, including various time-of-use rate structures.<sup>4</sup> Evergy is also studying and expects to propose various innovative residential rate structures, including time-of-use rates, in future rate cases. When Evergy reviewed Ameren's testimony and recognized the importance of these issues. among others, Evergy filed its application to intervene.

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Consumers granted late intervention]; *Order Granting Intervention, Re: Aquila Inc.*, Case No. EO-2008-0145 (December 27, 2007)[AG Processing and Sedalia Energy Users' Association granted late intervention]; *Order Granting Leave to File Application to Intervene Out of Time, and Granting Intervention, Re Kansas City Power & Light Company*, Case No. ER-2006-0314 (March 15, 2006)[IBEW granted late intervention]; *Order Granting Late Intervention, Re Empire District Electric Company*, Case No. ER-2004-0570 (July 12, 2004)[AmerenUE and Aquila granted late intervention]; *Order Granting Motion For Late Intervention, Re Kansas City Power & Light Company*, Case No. EO-2008-0224 (March 17, 2008)[Sierra Club and Concerned Citizens of Platte County granted late intervention].

<sup>2</sup> 20 CSR 4240-2.075.

<sup>3</sup> See Wood Direct, pp. 11-14; Nauert Direct, pp. 4-8.

<sup>4</sup> See Faruqui Direct, pp. 3-16.

7. OPC also argues that since this case is not a rulemaking proceeding, an order applicable to Ameren is neither applicable nor binding on Evergy. (OPC Opposition, p. 2) OPC ignores the fact that often the Commission will decide an issue in one rate case and subsequently issue a consistent order in a subsequent rate case on the same issue. Evergy is concerned that the Commission may issue an order in the Ameren rate case that may effectively establish the regulatory and/or ratemaking policy for renewable energy facilities and for innovative residential rate structures in future Evergy rate cases. While the Commission may issue decisions in different rate cases that have different regulatory and ratemaking policies, it is more likely that the Commission will decide similar issues in a similar manner. For this reason, the Commission has often in the past allowed public utilities to intervene in the rate cases of other public utilities.<sup>5</sup>

8. As explained in Evergy's application, the granting of Evergy's application will promote the public interest since allowing Evergy to participate will assist in creating a complete and robust record for the Commission to decide rate case issues, including the treatment of renewable energy facilities and innovative rate design issues.

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<sup>5</sup> See e.g., *Notice of Rulings Made At Prehearing Conference, Re Kansas City Power & Light Company*, File No. ER-2016-0285 (July 28, 2016)[Union Electric Company d/b/a Ameren Missouri granted intervention]; *Order Regarding Ameren Missouri's Application To Intervene, Re Kansas City Power & Light Company*, File No. ER-2014-0370 (December 3, 2014)[Union Electric Company d/b/a Ameren Missouri granted intervention]; *Order Granting Applications For Intervention, Re Kansas City Power & Light Company*, File No. ER-2012-0174 (March 20, 2012)[Union Electric Company d/b/a Ameren Missouri granted intervention]; *Order Granting Intervention, Re Empire District Electric Company*, File No. ER-2011-0004 (October 26, 2010)[Kansas City Power & Light Company granted intervention]; *Order Granting Intervention, Re Kansas City Power & Light Company*, Case No. ER-2010-0355 (July 13, 2010)[Union Electric d/b/a AmerenUE and Missouri Gas Energy granted intervention]; *Order Granting Intervention, Re Empire District Electric Company*, Case No. ER-2010-0130 (December 2, 2009)[Kansas City Power & Light Company granted intervention]; *Order Granting Intervention, Re: Kansas City Power & Light Company*, Case No. ER-2007-0291 (March 8, 2007)[Missouri Gas Energy and Trigen-Kansas City Energy Corp. granted intervention].

9. OPC and MECG made similar arguments in a rate case involving Kansas City Power & Light Company in which OPC and MECG objected to the intervention of Ameren Missouri. The Commission rejected OPC and MECG's arguments in that case stating:

It has been the Commission's practice to liberally grant intervention to organizations that promote various public policy positions in order to consider a full range of views before reaching a decision. Ameren Missouri's arguments are persuasive that Ameren Missouri has an interest different than that of the general public, that it may be adversely affected by a final order in this case<sup>4</sup>, and that its participation as a party would serve the public interest. The Commission concludes that Ameren Missouri's application satisfies all requirements of Commission Rule 4 CSR 240-2.075, and intervention will be granted.<sup>6</sup> (footnotes omitted)

10. As stated in its Application, Evergy will also accept the current procedural schedule that has been established. Furthermore, Evergy's intervention at this time will not adversely affect any other party since no party, with the exception of Ameren Missouri, has filed testimony in this case.

**WHEREFORE**, Evergy respectfully request that the Commission issue an order authorizing it to intervene in the above-captioned matter.

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<sup>6</sup> *Order Regarding Ameren Missouri's Application To Intervene, Re Kansas City Power & Light Company*, File No. ER-2014-0370 (December 3, 2014).

Respectfully submitted,

*/s/ Roger W. Steiner*

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**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first class United States Mail, postage pre-paid, to counsel for all parties of record this 29<sup>th</sup> day of June 2021.

*/s/ Roger W. Steiner*

Roger W. Steiner