

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

In the Matter of)
Kansas City Power & Light Company’s) File No. ER-2012-0174
Request for Authority to Implement) Tracking No. YE-2012-0404
a General Rate Increase for Electric Service)

and

In the Matter of)
KCP&L Greater Missouri Operations Company’s) File No. ER-2012-0175
Request for Authority to Implement a) Tracking No. YE-2012-0405
General Rate Increase for Electric Service)

ORDER REGARDING APPLICATION TO INTERVENE OUT OF TIME

Issue Date: September 5, 2012

Effective Date: September 5, 2012

The Missouri Public Service Commission is reserving ruling on the *Application to Intervene Out of Time* (“motion”) filed¹ by the International Brotherhood of Electrical Workers, Local Unions 412, 1464, and 1613 (“Locals”) because, even assuming that all the allegations in the motion are true, they do not meet the standards for late intervention as set by Commission regulation.

A. Intervention

The standard for intervention is:

The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor . . . [²] has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case [³]

¹ On September 4, 2012.

² The omitted language refers to a “new member(s)” of an unincorporated association whose motion for intervention the Commission has already granted. 4 CSR 240-2.075(2)(D) and (7).

³ 4 CSR 240-2.075(3).

The Locals argue that they have an interest that is different from that of the general public and that may be affected by the decision in this action:

The Petitioners represent employees who may be affected by Orders entered by the Commission in this proceeding, and, accordingly, the Petitioners and the employees they represent are interested parties in this proceeding. The Petitioners herein and the employees they represent have a direct interest in this proceeding which is different from that of the general public, and which interests cannot be adequately represented by any other party. [4]

But the interest alleged is a matter that no Commission order can affect—adversely or otherwise.

The Locals allege the following interest:

[T]o the extent that said Application may impact on the wages, benefits, and terms and conditions of employment of the employees that the Petitioners represent, Petitioners reserve the right to participate in the proceedings to the extent necessary to protect the interests of their members. [5]

That matter is not subject to any Commission order in any action:

In establishing public utility rates, the commission shall not reduce or otherwise change any wage rate, benefit, working condition, or other term or condition of employment that is the subject of a collective bargaining agreement between the public utility and a labor organization. [6]

The Locals expressly identify themselves as labor organizations having collective bargaining agreements with a public utility:

⁴ 4 CSR 240-2.075(4).

⁵ 4 CSR 240-2.075(5), emphasis added.

⁶ Section 386.315.1, RSMo 2000, emphasis added.

Locals [are] labor organizations [that] have separate collective bargaining agreements with Kansas City Power & Light Company [.]⁷

That law provides that the interest alleged in the motion cannot be adversely affected by a final order arising from the case.

Therefore, even assuming that everything alleged in the motion is true, the motion does not show grounds for intervention.

B. Late

The standard for late intervention is:

Motions to intervene . . . filed after the intervention date may be granted upon a showing of good cause. Any motion so filed must include a definitive statement whether or not the entity seeking intervention . . . accepts the record established in that case, including the requirements of any orders of the commission, as of the date the motion is filed. [⁸]

The motion includes no statement accepting the orders and record made so far, and includes no allegation of good cause for filing after the intervention date,⁹ so the motion does not show grounds for late intervention.

C. Ruling

Therefore, the Commission will reserve ruling on the motion pending a supplementary filing as follows.

THE COMMISSION ORDERS THAT:

1. Ruling on the *Application to Intervene Out of Time* (“motion”) is reserved.

⁷ Motion, page 1, paragraph 1.

⁸ 4 CSR 240-2.075(10).

⁹ The deadline for filing an application to intervene was March 19, 2012. *Order Suspending Tariff, Setting Pre-Hearing Conference, and Directing Filings; and Notice Of Contested Case and Hearings*, issued on February 28, 2012, page 4, paragraph 3.

2. No later than September 17, 2012, a supplement to the motion may be filed.
3. This order shall become effective immediately on issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 5th day of September 2012.