

FILED

BEFORE THE PUBLIC SERVICE COMMISSION JUN 22 2004  
STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Future Supply,  
Delivery and Pricing of the Electric  
Service Provided by Kansas City  
Power & Light Company

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Case No. EW-2004-0596

**LATE-FILED APPLICATION TO INTERVENE OF**  
**CONCERNED CITIZENS OF PLATTE COUNTY**

COMES NOW the Concerned Citizens of Platte County, by and through counsel, pursuant to 4 CSR 240.2.075, and applies to intervene and become a party in respect to the Application to Establish Investigatory Docket and Workshop Process filed by Kansas City Power & Light Company ("KCPL") in the above-referenced case, and in support of its Application to Intervene states as follows:

**APPLICATION TO INTERVENE**

1. The Concerned Citizens of Platte County ("CCPC") is an unincorporated association of Platte County residents which is which is opposed to the proposed coal-fired electricity-generating power plant being proposed by Kansas City Power & Light Company in Iatan, Missouri.
2. The reason CCPC is opposed to the proposed location of the facility in the area immediately north of metropolitan Kansas City is due to the plant's potential to cause public health and environmental damage to the areas in which they reside and to

the Kansas City metropolitan area as a whole. To the best of CCPC's knowledge and belief, no other parties or intervenors have addressed these environmental and health issues.

3. One source of the risk to human health is the mercury air emissions which will be produced by the burning of coal. The health impacts of mercury exposure are well-documented. It is a potent neurotoxin and reproductive toxin and can have devastating effects on fetuses and young children. In large enough doses, adults may also be affected.

4. Coal-fired power plants are now the largest source of mercury emissions in the United States. This type of mercury pollution takes the form of atmospheric deposition; that is, vapor containing highly toxic methyl mercury becomes air-borne after which it is deposited in soil and water. The mercury deposited directly in water and indirectly due to runoff from contaminated soil is then consumed by fish and begins its journey up the food chain and into the diet of humans and various forms of wildlife, such as fish-eating birds.

5. All of the lakes and streams in Missouri are under an advisory for mercury contamination in fish. Any further increases in mercury contamination would constitute an unacceptable health risk.

6. Ozone is another pollutant of major concern. It causes serious chronic and acute respiratory disease and has been implicated in the causation of emphysema, chronic obstructive pulmonary disease, and adult and childhood asthma.

7. Coal-fired power plants are a major source of the precursors of ozone which include nitrogen oxides, sulfur dioxide and volatile organic compounds.

8. The Kansas City Ozone Maintenance Area experienced 30 exceedances of the 8-hour ozone standard in 2003, with the highest readings being generally north of the Missouri River. The addition of the proposed plant, along with another proposed for a site directly opposite in Kansas would increase the number of exceedances and result in the reclassification of the Kansas City area as an ozone non-attainment area.

9. If there is no currently available pollution-control technology which would remove these contaminants from the plant's air emissions, or if KCPL is not required to install and operate any effective technology that is available, the presence of these contaminants will seriously compromise human health and quality of life in the affected area.

10. The proposed coal-fired plant will burn millions of tons of coal to generate electricity, with the ash generated thereby destined for storage in a landfill to be located in the Missouri River floodplain.

11. Coal combustion ash is highly toxic because it contains concentrated levels of arsenic, mercury, cadmium, chromium, lead, selenium, sulfates, boron and other contaminants. Despite the authority of the Missouri Department of Natural Resources (MDNR) to regulate these landfills, the contaminants have the potential to migrate from the landfill and contaminate the groundwater of nearby communities.

12. Wetlands provide many valuable functions which are of significant benefit to human health and the environment. Among these benefits are the following: filtration

of contaminants from runoff before they reach the adjoining rivers and streams; mitigation of destructive flooding by means of the storage of water during high levels for gradual re-release during subsequent low-water periods; and provision of unique and valuable habitat for many species of plants and animals, including possible threatened and endangered species.

13. Pursuant to the Clean Water Act and federal environmental policy with regard to wetlands, it is the intention of the federal government that there shall be no net loss of wetlands in the United States. According to KCPL estimates, the proposed project will destroy 47.5 acres of natural wetlands.

14. If the construction and operation of a project results in wetland loss, federal law requires the builder/operator must replace the lost wetlands with other, usually man-made, wetlands in a ratio intended to restore valuable wetland functions to the affected area.

15. Many scientists have noted that the man-made wetlands established to replace destroyed natural wetlands are usually vastly inferior to natural wetlands in performing the above-referenced functions. Hence, it is not really possible to replace the functions of natural wetlands destroyed by such projects as the proposed power plant.

#### **SHOWING OF GOOD CAUSE FOR LATE-FILED**

#### **APPLICATION TO INTERVENE**

16. This good cause showing is being made pursuant to 4 CSR 240-2.075(5).

17. On or about May 27, 2004 CCPC filed an Application to Intervene in the above-referenced matter. However, its application was rejected because CCPC was not

represented by legal counsel. Because CCPC was unaware of the requirement for legal counsel, it was unable to submit a suitable Application by the June 1, 2004 deadline.

18. Great Rivers Environmental Law Center (Great Rivers) is a nonprofit public interest group which provides legal services to individuals and organizations seeking to protect the environment.

19. On or about June 4, 2004 CCPC approached Great Rivers about the possibility of legal representation in the above-referenced matter. On June 7, 2004 Great Rivers agreed to provide the representation requested.

20. During the interval of time between June 7 and the filing of this Intervention Application, Great Rivers has been researching the relevant facts of KCPL's proposed plant, along with the procedural rules applicable to Applications for Intervention before the Missouri Public Service Commission. This Application is being submitted at the earliest possible time consistent with the time demands attendant upon the necessary research and drafting required for the preparation of said Application.

21. To the best of CCPC's knowledge and belief, neither KCPL nor any other entity will be prejudiced by the granting of its Application to Intervene.

WHEREFORE, Concerned Citizens of Platte County, having shown a basis for its intervention pursuant to 4 CSR 240-2.075 generally, and further having shown good cause for this Application being filed out-of-time pursuant to 4 CSR 240-2.075(5), prays that it be permitted to intervene herein and be made a party hereto with all rights to have notice of and to participate in future informal and formal proceedings, including the

presentation of evidence, cross-examination of witnesses, filing of briefs and participation in argument, and for all other needful and proper relief appropriate to the case herein.

Respectfully submitted,

GREAT RIVERS ENVIRONMENTAL LAW CENTER

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ATTORNEYS FOR CONCERNED CITIZENS  
OF PLATTE COUNTY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Late-Filed Application to Intervene by U.S. mail, postage prepaid, addressed to the legal representatives of all parties that have been identified as parties and petitioning intervenors in the above-captioned case.

*Elsa Steward* / *W M*

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Elsa Steward

Dated: June 22, 2004