

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

MISSOURI ENERGY	)	
CONSUMERS GROUP,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. EC-2017-0106
	)	
WESTAR ENERGY, INC.,	)	
	)	
Respondent.	)	

**WESTAR ENERGY’S SUGGESTIONS IN OPPOSITION TO THE  
APPLICATION TO INTERVENE OF CCM**

COMES NOW Westar Energy, Inc. (“Westar Energy”), by and through counsel, and, in response to the Application to Intervene by the Consumers Council of Missouri, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. Consumers Council of Missouri (“CCM”) filed its Application to Intervene in this matter on October 23, 2016.
2. Commission Rule 4 CSR 240-2.075(2)(E) requires that an application to intervene provide a “statement of the proposed intervenor’s . . . interest in the case and reasons for seeking intervention . . . .” In its Application to Intervene, CCM states its interest as follows:

Consumers Council’s interest in this matter relates to the rates, terms and conditions of service for the Company’s *residential* electric customers. This interest is different than the general public interest represented by the Office of the Public Counsel.

(CCM App. to Intervene, para. 3)

3. It is unclear what relationship this stated interest has to the complaint at issue. This is a complaint against *Westar Energy, Inc. only* and alleges that Westar Energy needs Commission approval for a proposed transfer of its capital stock based on a certificate of convenience and necessity previously issued to *Westar Generating, Inc.*

There are no allegations related to matters concerning the *rates, terms and conditions of service for residential electric customers*.<sup>1</sup>

4. Commission Rule 4 CSR 240-2.075(3) provides that the Commission “may” grant an intervention request when: “(A) The proposed intervenor . . . 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; or (B) Granting the proposed intervention would serve the public interest.” (emphasis added)

5. CCM has failed to make either required showing. First, as described above, CCM has not stated an interest related to this case, nevertheless an interest that is different than that of the general public. Moreover, it is impossible to contemplate any facts or circumstances which could lead to a final order in *this complaint case* having any adverse affect on CCM. Second, as to whether a CCM intervention would serve the public interest, CCM provides only the following statement:

Consumers Council believes that its intervention and participation in this proceeding would serve the public interest, and wishes to become a party to this case.

(CCM App. To Intervene, para. 5) CCM cites no special information, knowledge, or expertise that it can bring to this Westar Energy, Inc. jurisdictional question that is not already provided by the complainant, Staff of the Commission, Office of the Public Counsel, Westar Energy, Inc. and the Commissioners and its law judge. In this narrowly drawn complaint case, there is no public interest to be served by CCM’s proposed intervention.

6. CCM’s Application to Intervene should be denied by the Commission.

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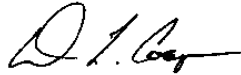
<sup>1</sup> Further, CCM’s past interventions in KCPL rate case (as alleged in CCM App. To Intervene, para. 1) is irrelevant to this complaint against Westar Energy, Inc.

**WHEREFORE**, Westar Energy, Inc. respectfully requests an order of this Commission denying CCM's Application to Intervene and such further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



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ATTORNEYS FOR WESTAR ENERGY, INC.

**CERTIFICATE OF SERVICE**

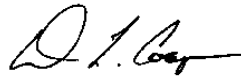
I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 2<sup>nd</sup> day of November, 2016, to:

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