

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 3rd day of
December, 2014.

In the Matter of Kansas City Power & Light)	<u>File No. ER-2014-0370</u>
Company's Request for Authority to Implement a)	YE-2015-0194
General Rate Increase for Electric Service)	YE-2015-0195

ORDER REGARDING AMEREN MISSOURI'S APPLICATION TO INTERVENE

Issue Date: December 3, 2014

Effective Date: December 3, 2014

On October 30, 2014, Kansas City Power & Light Company ("KCP&L") submitted a tariff designed to implement a general rate increase for electric utility service. On November 11, 2014, Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") filed a timely application to intervene. Midwest Energy Consumers Group, Missouri Industrial Energy Consumers, the Office of the Public Counsel, and the Commission's Staff (collectively, "Objectors") have objected to the intervention.

Missouri law provides the authority for the Commission to grant intervention in matters before it.¹ This authority provided by the legislature is broad and discretionary.² The Commission's administrative rule governing intervention, Commission Rule 4 CSR 240-2.075(3), states, in part, that:

- The commission may grant a motion to intervene or add new member(s) if—
- (A) The proposed intervenor or new member(s) 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.

¹ Section 386.420.1, RSMo Supp. 2013.

² *State ex rel. Brink's Inc. v. Pub. Serv. Commission*, 535 S.W.2d 582, 584 (Mo. Ct. App. 1976).

Objectors state in opposition to the intervention that (1) Ameren Missouri will not be adversely affected by a Commission decision, since such an order for KCP&L is not binding on Ameren Missouri or future Commissions; (2) Ameren Missouri has not sufficiently demonstrated that its interests are different from those of the general public; (3) Ameren Missouri's interests as an electric utility will be adequately represented by KCP&L; (4) Ameren Missouri currently has a rate case pending before the Commission where it has the opportunity to raise its own ratemaking issues; (5) Ameren Missouri and its attorneys would have access to KCP&L's highly confidential information; and (6) Ameren Missouri's participation in this case would not promote the public interest because Ameren Missouri would have the ability to introduce new issues into the case and force an evidentiary hearing by preventing a settlement agreement.

Ameren Missouri responds by arguing that (1) while an order in this case may not be binding on it, such an order could have an adverse impact because Commission decisions in one rate case could have a bearing on how similar issues are decided in other rate cases; (2) its interests are different than those of the general public because as a utility it could be affected by the broader policy implications of a Commission order; (3) while Ameren Missouri and KCP&L are both electric utilities, they may not have the same interests and KCP&L has no obligation to represent any interests other than its own; (4) issues important to Ameren Missouri could arise in KCP&L's rate case and not in its own case; (5) Ameren Missouri's attorneys will follow the Commission's rules limiting how highly confidential information can be used; and (6) Ameren Missouri's participation as a party would promote the public interest by aiding the Commission in addressing the policy implications of issues. In addition, despite Ameren Missouri's intervention in numerous

cases over the years, there is no evidence that its previous participation as a party has inappropriately impeded the progress of those cases.

“[N]o direct pecuniary or property rights, or infringement of civil rights of a person, must be involved before [an applicant] could be a party to a proceeding before the Commission”.³ 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 case⁴, 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. This decision makes no ruling on whether expenses Ameren Missouri incurs in this case are prudently incurred.

THE COMMISSION ORDERS THAT:

1. The application to intervene filed by Union Electric Company d/b/a Ameren Missouri is granted.

³ *State ex rel. Consumers Pub. Serv. Co. v. Pub. Serv. Commission*, 352 Mo. 905, 919, 180 S.W.2d 40, 45 (1944).

⁴ The Commission finds that *In re AT&T Communications of the Southwest, Inc.*, File No. TO-2001-455, 2001 WL 1868166, cited by Objectors, is distinguishable from this case because it involved the issue of intervention as a matter of right as a necessary and indispensable party under civil rules. Intervention was denied under the Commission’s rules in that case only because of the short statutory time limit to issue an order, rather than based on the nature of the applicants’ interests in the case. In addition, the order of a prehearing officer in the Kansas rate case cited by Objectors has no binding effect on this Commission.

2. This order shall be effective when issued.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
and Hall, CC., concur.
Rupp, C., dissents.

Bushmann, Senior Regulatory Law Judge