

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 24th day of
November, 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 APPLICATIONS TO INTERVENE

Issue Date: November 24, 2014

Effective Date: November 24, 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 3, 2014, Brightergy, LLC ("Brightergy") filed an application to intervene, and on November 8, 2014, Consumers Council of Missouri ("CCM") filed a similar application. KCP&L has objected to the intervention of both Brightergy and CCM.

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).

Application of Brightergy, LLC

Brightergy states in support of its application that its interest is that of an energy services company operating in KCP&L's service territory, and that any change in rates or decisions made regarding renewable energy policies could affect its business in ways different from that of the general public. Brightergy also alleges that granting intervention is in the public interest because its unique expertise and business perspectives will be beneficial to the Commission in the decision-making process. KCP&L states that Brightergy has not provided sufficient information to show that intervention is appropriate because it has failed to explain how its interests would be adversely affected by a final Commission order.

“[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. The Commission concludes that Brightergy's application satisfies all requirements of Commission Rule 4 CSR 240-2.075 and intervention will be granted.

Application of Consumers Council of Missouri

KCP&L argues that CCM's application to intervene should be denied because CCM has not provided sufficient information to show that its interest differs from that of the general public, how that interest might be adversely affected by a final Commission order, or that granting intervention would serve the public interest. CCM states that it represents

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

a specific subset of the general public, KCP&L's residential electric customers, who may be adversely affected by a final order in this case. CCM states that it is in the public interest to grant intervention so that CCM can continue to provide information to the Commission, as it has done since 1971. CCM notes that it is not an association, so KCP&L's allegations about a deficiency in naming its members is not applicable.

The Commission concludes that CCM's application satisfies all requirements of Commission Rule 4 CSR 240-2.075 and intervention will be granted.

THE COMMISSION ORDERS THAT:

1. The application to intervene filed by Brightergy, LLC is granted.
2. The application to intervene filed by Consumers Council of Missouri is granted.
3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Bushmann, Senior Regulatory Law Judge