

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

In the Matter of the Joint Application of            )  
Great Plains Energy Incorporated, Kansas        )  
City Power & Light Company, and KCP&L        ) Case No. EE-2017-0113  
Greater Missouri Operations Company for        )  
a Variance from the Commission's Affiliate     )  
Transaction Rule, 4 CSR 240-20.015            )  
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**OPPOSITION OF JOINT APPLICANTS TO  
MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION'S  
APPLICATION TO INTERVENE OUT OF TIME**

Great Plains Energy Incorporated ("GPE"), Kansas City Power & Light Company ("KCP&L"), and KCP&L Greater Missouri Operations Company ("GMO") (collectively, "Joint Applicants") state the following in opposition to the Application to Intervene Out of Time By The Missouri Joint Municipal Electric Utility Commission ("MJMEUC"):

1. On October 14, 2016, the Commission issued its *Order Directing Notice and Setting Intervention Deadline* ("Order") in this matter which ordered that "Any person wishing to intervene in this matter shall file an application to intervene no later than October 26, 2016." (Order , p. 2)

2. On December 7, 2016, MJMEUC filed its Application to Intervene Out of Time which fails to demonstrate good cause for filing an application to intervene forty-two (42) days after the Commission's intervention deadline in this case, as required by 4 CSR 240-2.075(10) ("Intervention Rule"). While MJMEUC asserts without any supporting information that "MJMEUC has acted as judiciously as possible to submit the instant Application to Intervene upon learning of the instant filing with the Commission" (MJMEUC Application, p. 2), it fails to provide the Commission with any information that would support this assertion. It also fails to mention that nine (9) other parties to this proceeding, including the City of Independence, a

member of the Missouri Public Utility Alliance (“MPUA”) and MJMEUC<sup>1</sup>, were able to timely file their respective applications to intervene. (*Order Granting Interventions*, Case No. EE-2017-0112 issued November 17, 2016).

3. In the past, the Commission has denied motions to intervene out of time<sup>2</sup> when the applicant has failed to adequately explain its failure to comply with the intervention deadline. In its *Order Regarding Application to Intervene Out of Time*, in Noranda v. Union Electric Company, Case No. EC-2014-0224 (issued May 14, 2014), the Commission stated:

The Commission establishes a deadline for intervention early in a case so that all parties can promptly know who will be involved and so an appropriate procedural schedule can be established. United For Missouri did not comply with the established deadline to intervene and for that reason must show good cause for its failure to apply to intervene on time. It has not done so.

United For Missouri could have known about the existence of the case in time to comply with the intervention deadline. However, it became interested in the case only after it began to move toward a hearing and began to draw public attention. Allowing new parties to jump into a case under that circumstance tends to disrupt the orderly consideration of the issues. United For Missouri has not shown good cause for its failure to file a timely application to intervene and for that reason its application to intervene out of time will be denied.

4. MJMEUC’s Application to Intervene Out of Time also fails to set forth facts required by Rule 4 CSR 240-2.075 that would allow the Commission to grant its request. MJMEUC has failed to state facts demonstrating that it “has an interest which is different from that of the general public and which may be adversely affected by a final order” in this proceeding which relates to a limited variance from the Commission’s Affiliate Transactions Rule. Such facts are required by Subsection (3)(A) of the Intervention Rule. MJMEUC’s

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<sup>1</sup> [http://c.ymcdn.com/sites/mpua.org/resource/resmgr/images/maps/MJMEUC\\_MAP.png](http://c.ymcdn.com/sites/mpua.org/resource/resmgr/images/maps/MJMEUC_MAP.png)

<sup>2</sup> See also *Order Denying Application To Intervene, Re Missouri Gas Energy*, Case No. GR-2006-0422 (August 28, 2006)(denying Cornerstone Energy intervention); *Order Regarding Interventions, Re Aquila, Inc.*, Case No. EO-2005-0156 (February 8, 2005)(denying StopAquilaOrg. intervention).

unverified application presents no facts indicating what specific interest it may have in this particular proceeding which is different from that of the general public.

5. The Joint Applicants recognize that MJMEUC owns a minority portion of Iatan 2, represents municipal electric systems in Missouri, including some municipal systems operating within the Southwest Power Pool (“SPP”) and some municipal systems that have wholesale power contracts with KCP&L-GMO. However, the Application filed by the Joint Applicants in this matter does not seek to change any of the terms of ownership of Iatan 2, or the rates, terms or conditions of transmission service through SPP to any municipal electric system. In fact, nothing in this proceeding will affect in any way the transmission of electricity to MJMEUC or municipal systems. In any event, any transmission services through SPP would be under the jurisdiction of the Federal Energy Regulatory Commission (“FERC”) and not this Commission. Consequently, there is no basis for the Commission to conclude that the MJMEUC’s interest is any different from that of the general public.

6. Secondly, MJMEUC has failed to demonstrate under Subsection (3)(A) of the Intervention Rule that it has any interest “which may be adversely affected by a final order arising from the case.” The Stipulation and Agreements agreed to by the Joint Applicants and the Staff of the Commission (“Staff Stipulation”) and the Stipulation and Agreement agreed to by the Joint Applicants and Public Counsel (“OPC Stipulation”)(collectively “Stipulations”) propose to resolve issues raised by the Joint Application which seeks a limited variance from the Commission’s Affiliate Transactions Rule. Nothing proposed in the request of the Joint Applicants or in the Stipulations would cause a change to (1) any rate, tariff or charge of KCP&L or GMO; (2) any agreement that MJMEUC (or any municipal system it represents) has with KCP&L or GMO; or (3) the MJEUC’s transmission service obtained through a physical

interconnection with the Joint Applicants' transmission lines. As a result, MJMEUC's interests will not be adversely affected by a final order in this matter.

7. Finally, Subsection (3)(B) of the Intervention Rule states that intervention may also be granted by the Commission if it "would serve the public interest." MJMEUC's Application to Intervene Out of Time presents no facts showing why its intervention would serve the public interest. While MJMEUC asserts that its participation will clarify the issues, ensure the completeness of the record, and assist the Commission in its decision-making process (MJMEUC Application, p. 2), in reality, MJMEUC's participation is more likely to complicate the record by introducing extraneous issues into this proceeding, and thereby making the Commission's task in processing this case more difficult.

WHEREFORE, the Joint Applicants request that the Commission deny the Application to Intervene Out of Time of the Missouri Joint Municipal Electric Utility Commission.

/s/ Robert J. Hack

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on all counsel of record this 9th day of December, 2016.

/s/ Robert J. Hack

Attorney for Great Plains Energy Incorporated,  
Kansas City Power & Light Company, and KCP&L  
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