

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Consideration of Adoption)
of the PURPA Section 111(d)(13) Fossil Fuel) **Case No. EO-2006-0495**
Generation Efficiency Standard as Required by)
Section 1251 of the Energy Policy Act of 2005)

NOTICE OF DEFICIENCY

Issue Date: July 25, 2006

On June 22, 2006, the Staff of the Missouri Public Service Commission filed a motion requesting that the Commission establish a case, provide notice, set an intervention deadline and schedule an early prehearing conference for the purpose of establishing a record of consideration and a determination as to whether to adopt the Fossil Fuel Generation Efficiency Standard established in Section 1251 of the Energy Policy Act of 2005 ("EPAAct"). The Commission granted Staff's motion on June 23, 2006, and the intervention deadline was set for July 24, 2006.

On July 24, 2006, Kansas City Power & Light Company ("KCPL") filed an application to intervene in this matter pursuant to 4 CSR 240-2.075, which provides:

- (1) An application to intervene shall comply with these rules and shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the commission.
- (2) An application to intervene shall state the proposed intervenor's interest in the case and reasons for seeking intervention, and shall state whether the proposed intervenor supports or opposes the relief sought or that the proposed intervenor is unsure of the position it will take.

(3) An association filing an application to intervene shall list all of its members.

(4) The commission may on application permit any person to intervene on a showing that –

(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.

(5) Applications to intervene filed after the intervention date may be granted upon a showing of good cause.

(6) Any person not a party to a case may petition the commission for leave to file a brief as an *amicus curiae*. The petition for leave must state the petitioner's interest in the matter and explain why an *amicus* brief is desirable and how the matters asserted are relevant to the determination of the case. The brief may be submitted simultaneously with the petition. Unless otherwise ordered by the commission, the brief must be filed no later than the initial briefs of the parties. If leave to file a brief as an *amicus curiae* is granted, the brief shall be deemed filed on the date submitted. An *amicus curiae* may not file a reply brief.

KCPL's application to intervene is deficient for failing to comply with 4 CSR 240-2.075(2) and (4).

Specifically, KCPL has failed to articulate the reasons it seeks intervention and the position it will take in this matter. KCPL also fails to state if its interest is different from that of the general public and may be adversely affected by a final order arising from the case, or if its intervention would serve the public interest. No action will be

taken on KCPL's application until it is brought into compliance with all Commission regulatory requirements.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 25th day of July, 2006.

Stearley, Regulatory Law Judge