

**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) Case No. EE-2017-0113
Company and KCP&L Greater Missouri Operations)
Company for a variance from 4 CSR 240-20.015.)

**APPLICATION TO INTERVENE
OF MIDWEST ENERGY CONSUMERS GROUP**

COMES NOW the Midwest Energy Consumer’s Group, pursuant to 4 CSR 240-2.075 and the Commission’s October 14, 2016 *Order Directing Notice and Setting Intervention Deadline*, and for its Application for Intervention in this case, states as follows:

1. Midwest Energy Consumer’s Group (“MECG”) is an incorporated association representing the interests of large commercial and industrial users of electricity. Related to this case, MECG includes numerous customers of KCPL and KCP&L Greater Missouri Operations Company.

2. As set forth in its complaints in Case Nos. EC-2017-0106 and 0107, MECG maintains that the Commission has jurisdiction over Great Plains Energy’s acquisition of Westar Energy. Specifically, MECG asserts that, pursuant to Missouri statutory provisions and prior stipulations, Great Plains and Westar must receive Commission approval for Great Plains acquisition of Westar.

3. While the immediate docket is couched in terms of a waiver of the Commission’s affiliate transactions rule, it is apparent that such a designation is simply a clever disguise for the receipt of Commission approval for the Great Plains / Westar transaction. Indeed, while this docket is couched in terms of a waiver of the Commission’s affiliate transactions rule, the stipulation executed by Staff and Great Plains is clearly focused on avoiding the public detriment associated with Great Plains’ acquisition of Westar. Specifically, that stipulation discusses,

among other things, ratemaking treatment of the acquisition's acquisition premium; the recovery of transaction and transition costs; and the potential of a downgrade of the Great Plains credit rating. None of these provisions are remotely related to the Commission's affiliate transactions rule.¹ Clearly, this is a merger review docket. For unexplained reasons, however, Staff and Great Plains do not want other parties, or even the Commission, to know that this is a merger review docket.

4. In addition to concerns regarding Great Plains attempt to disguise its request for Commission approval of the Westar transaction in terms of the affiliate transaction waiver, MECG is also concerned that the stipulation executed by Great Plains and Staff was negotiated behind closed doors and did not include many of the parties routinely included in a merger approval docket. Staff's willingness to engage in such shady negotiations in this case represents a continuance of the negotiations in the pending GMO rate case where Staff suddenly cut out numerous other parties and negotiated a settlement with GMO.

5. As demonstrated by its complaints in Case Nos. EC-2017-0106 and 0107, MECG is vitally interested in presenting in any Commission docket designed to address consumer protections associated with the obvious detriment underlying the Great Plains / Westar acquisition. MECG believes that such any merger docket should be accompanied by a utility application that clearly sets forth all of the requested relief including Commission approval of the Great Plains acquisition of Westar. MECG believes that such a docket should be processed in the light of day like other Commission dockets, including the recent Empire merger docket,

¹ The fact that this docket is actually a merger approval docket is demonstrated by Staff's recent pleadings in Case No. EM-2016-0324. There, Staff filed its investigatory report in which it absolutely asserted that the Commission had jurisdiction over the Great Plains / Westar transaction. Based upon Staff's report, the Commission indicated that jurisdiction would only be exercised through the filing of a complaint. Despite its assertion of Commission jurisdiction, Staff subsequently declined to file such a complaint and, instead, indicated that the immediate settlement addresses its concerns with the Great Plains / Westar merger. Clearly, the immediate docket is not related to the need for a waiver from the affiliate transactions rule. Rather, this docket is a clever disguise for addressing the obvious detriment associated with the Westar acquisition.

instead of through backroom negotiations as Staff now seems disposed to doing. MECG believes that its intervention will serve the public interest by assisting the record for the Commission's decision in this case.

6. Correspondence or communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

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WHEREFORE, MECG respectfully requests that the Commission issue its order granting its Application for Intervention and that it be made a party hereto with all rights to participate in this matter.

Respectfully submitted,



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ATTORNEY FOR THE MIDWEST ENERGY
CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "David L. Woodsmall". The signature is written in a cursive style with a large initial "D".

David L. Woodsmall

Dated: October 18, 2016