

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 12<sup>th</sup> day of  
November, 2009.

In the Matter of Union Electric Company, d/b/a	)	<b><u>File No. ER-2010-0036</u></b>
AmerenUE's Tariffs to Increase Its Annual	)	Tariff Nos. YE-2010-0054
Revenues for Electric Service	)	and YE-2010-0055

**ORDER REGARDING THE LATE-FILED APPLICATION TO INTERVENE  
OF KANSAS CITY POWER & LIGHT COMPANY**

Issue Date: November 12, 2009

Effective Date: November 12, 2009

On July 24, 2009, Union Electric Company, d/b/a AmerenUE, filed a tariff designed to increase its annual revenues for electric service. The Commission suspended that tariff and established August 17 as the deadline for interested parties to apply to intervene. Kansas City Power & Light Company applied to intervene out of time on October 27. Public Counsel opposed KCP&L's late-filed application to intervene in a response filed October 29.

KCP&L is an electrical corporation and public utility that generates, transmits, distributes and sells electricity in western Missouri and eastern Kansas. KCP&L claims it has an interest in this case that is different from that of the general public in that it is one of only four investor-owned electric utilities regulated by the Commission and thus has an interest in the Commission's treatment of various revenue and expense items. KCP&L offers no explanation for its failure to apply to intervene within the time established by the Commission, although it represents that it will accept the record as it currently stands.

Public Counsel argues KCP&L has no particular interest in AmerenUE's rate case because KCP&L rates are separate from those of AmerenUE and will not be affected by any decisions the Commission makes about AmerenUE's rates. Public Counsel contends the mere fact KCP&L is a regulated utility does not justify its request to intervene in AmerenUE's rate case. Public Counsel also points out that KCP&L has not offered any justification for its failure to file a timely application to intervene.

KCP&L replied to Public Counsel on November 6. In its reply, KCP&L explained that as an electric utility it has an interest that is different than that of the general public in that it is interested in how the Commission decides revenue and expense items in this case. In particular, KCP&L explains that it is interested in AmerenUE's ability to recover demand side management costs and its request for an interim rate increase. KCP&L also cites its interest in the proposed interim rate increase and the Commission's October 7 decision to schedule a hearing on AmerenUE's request for such an increase as a justification for its failure to apply to intervene before the intervention deadline.

Commission Rule 4 CSR 240-2.075(4) provides that the Commission may grant an application to intervene upon a showing that the applicant has an interest in the case that is different from that of the general public and that may be adversely affected by the Commission's final order in the case. In the alternative, the Commission may grant an application to intervene if doing so would serve the public interest. Subsection (5) of that same rule indicates the Commission may grant a late-filed application to intervene upon a showing of good cause.

The Commission finds that the interest of KCP&L in this case is different from that of the general public, and may be adversely affected by a final order arising from this case.

Furthermore, the Commission finds that allowing KCP&L to intervene will serve the public interest. KCP&L filed its application to intervene several months after the deadline but its late interest in participating in this case is explained by the Commission's October 7 decision to conduct a hearing regarding AmerenUE's application for an interim rate increase. Since KCP&L will accept the record as it exists, no party will be prejudiced by the late intervention. In accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant the application to intervene.

**THE COMMISSION ORDERS THAT:**

1. The Application of Kansas City Power & Light Company to Intervene Out of Time is granted.
2. This order shall become effective immediately upon issuance.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

Clayton, Chm., Davis, Gunn, and Kenney, CC., concur;  
Jarrett, C., dissents, with dissenting opinion to follow.

Woodruff, Chief Regulatory Law Judge,