

**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 BY THE CONSUMERS COUNCIL OF MISSOURI**

COMES NOW the Consumers Council of Missouri ("Consumers Council" or "CCM"), by and through counsel, pursuant to Commission Rule 4 CSR 240-2.075, and respectfully applies for intervention as a party in this matter.

In support of this application, Consumers Council states as follows:

1. Consumers Council is a non-governmental, nonpartisan, nonprofit corporation that is dedicated to educating and empowering consumers statewide and to advocating for their interests. Consumers Council of Missouri was originally founded in 1971 as Utility Consumers Council of Missouri, and has participated in numerous cases at the Missouri Public Service Commission ("Commission"), including previous KCPL rate cases.

2. Correspondence, communications, orders and the decision in this matter should be addressed to:

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3. Consumers Council's interest in this matter relates to the rates, terms and conditions of service for the Company's *residential* electric customers. This interest is different than the general public interest represented by the Office of the Public Counsel.

4. Consumers Council believes strongly in just and reasonable regulation of monopoly utilities, which includes appropriate regulatory review of mergers and acquisitions involving regulated Missouri utilities in order to ensure that no public detriments result from such transactions. Consumers Council believes just as strongly in the principal of *transparent* regulation, which allows for a full and fair public examination of those merger and acquisitions that involve Missouri utilities or the corporations that control those utilities.

5. The agreement that Great Plains Energy, Inc. ("GPE")<sup>1</sup> entered into with Westar Energy, Inc. ("Westar"), whereby GPE would acquire Westar, clearly falls within the purview of the Missouri Public Service Commission's ("Commission's") regulatory and statutory jurisdiction. Moreover, the Commission had the jurisdiction and legal authority to review the 2001 proposal by Kansas City Power & Light Company ("KCPL") to reorganize in the manner which created GPE. In the review of that application, Case No. EM-2001-464, the Commission approved the creation of GPE, but it only approved that restructuring conditioned upon the essential requirement that GPE agreed it would not directly or indirectly acquire a public utility unless it had requested prior approval for such transaction and that the Commission had found that no detriment to the public had occurred from that transaction.<sup>2</sup> The Commission continues to have the jurisdiction and

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<sup>1</sup> GPE is a Missouri holding company that owns 100% of Kansas City Power & Light Company, a regulated Missouri electrical corporation.

<sup>2</sup> Case No. EM-2001-464, Order Approving Stipulation and Agreement and Closing Case, approving the First Amended Stipulation, Paragraph 7, p. 13.

the legal right to enforce the commitments made to it in that Order and Stipulation. GPE's failure to seek Commission approval under that provision is a violation of the Commission's order in EM-2001-464.

Consumers Council reserves the right to provide the Commission with more detailed positions in this rate case, following further review of the testimony and supporting materials.

6. Consumers Council believes that its intervention and participation in this proceeding would serve the public interest, and wishes to become a party to this case for all purposes.

7. Given the foregoing, the Consumers Council objects to the relief requested by the Joint Applicants in this matter, and believes that the public deserves a full hearing to review the joint application and all aspects of the proposed merger.

WHEREFORE, Consumers Council respectfully requests that the Commission grant its Application to Intervene, entitling it to fully participate in this proceeding, and further requests a hearing to permit other parties to contest the relief requested.

Respectfully submitted,

Dated: October 23, 2016

/s/ John B. Coffman

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## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties listed on the official service list on this 23<sup>rd</sup> day of October, 2016.

/s/ John B. Coffman

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