

responsibility to provide and maintain an adequate supply of electric service for its existing and prospective customers located within its defined service area in Cherokee and Labette Counties, Kansas. Application, ¶ 1.

II. Intervention

2. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(a)(3); K.A.R. 82-1-225. At any time during a proceeding, the Commission may impose limitations on an intervenor's participation. K.S.A. 77-521(c).

III. Petitions to Intervene

A. CURB

3. On February 9, 2010, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene (CURB Petition) seeking a Commission order granting CURB leave to intervene as a party in this matter. In its petition, CURB states it has discretion, under K.S.A. 66-1223 et seq., to intervene and represent the interests of residential and small commercial ratepayers in any utility proceeding before the Commission. CURB Petition, ¶ 2. CURB claims that the rates paid and service received by the customers it represents will or may be affected by a Commission order or activity in this proceeding. CURB Petition, ¶ 4. CURB asserts that its interests are not adequately represented by the existing parties. CURB Petition, ¶ 6.

4. No objections were filed as to the CURB Petition. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence shall be delivered to counsel of record, as follows:

David Springe #15619
Niki Christopher #19311
C. Steven Rarrick #13127
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3200
(785) 271-3116 Fax

5. In addition to the counsel of record for CURB listed above, service of pleadings, communications, and correspondence shall be delivered to CURB's other designees:

Shonda Smith, Officer Manager	email: sd.smith@curb.kansas.gov
Della Smith, Administrative Specialist	email: d.smith@curb.kansas.gov
Citizens' Utility Ratepayer Board	
1500 SW Arrowhead Road	
Topeka, Kansas 66604	

B. KCP&L

6. On February 11, 2010, Kansas City Power & Light Company (KCP&L) filed a Petition to Intervene (KCP&L Petition) seeking a Commission order granting KCP&L leave to intervene as a party in this matter. In its petition, KCP&L states it is a corporation duly organized under the laws of the State of Missouri, with its principal place of business at One Kansas City Place, 1200 Main Street, Kansas City, Missouri 64141-9679. KCP&L Petition, ¶ 2. KCP&L asserts it is authorized to do business and is conducting business in the State of Kansas, is an electric public utility in the State of Kansas and holds a certificate of convenience and necessity issued by the Commission. KCP&L Petition, ¶ 2.

7. KCP&L asserts Empire is requesting the Commission consider issues addressed in earlier proceedings in which KCP&L was an active party, specifically, Docket No. 08-GIMX-441-GIV and Docket No. 08-GIMX-442-GIV. KCP&L Petition, ¶ 3. KCP&L states issues in the Empire filing, such as cost recovery, lost revenue recovery, carrying costs recovery, and waiver of guidelines adopted in earlier proceedings are similar or related to the issues KCP&L

must address as it determines the scope of its Energy Efficiency/Demand Response (EE/DR) offerings programs going forward. KCP&L Petition, ¶ 3. KCP&L asserts that the Commission's consideration of issues in Empire's filing could impact KCP&L and its customers in future KCP&L proceedings. KCP&L Petition, ¶ 3.

8. KCP&L asserts it has a clear interest in this proceeding, and requests permission to intervene to represent its interests and the interests of its shareholders and customers in the State of Kansas. KCP&L Petition, ¶ 4. KCP&L asserts that its interests are not adequately represented by the existing parties. KCP&L Petition, ¶ 4.

9. No objections were filed as to the KCP&L Petition. The Commission finds and concludes that KCP&L has met the requirements of K.A.R. 82-1-225 and should be granted intervention. KCP&L will be added to the mailing list, service of pleadings, communications, and correspondence shall be delivered to counsel of record, as follows:

Victoria Schatz, Corporate Counsel
Kansas City Power & Light
One Kansas City Place
1200 Main Street – 16th Floor
PO Box 418679
Kansas City, Missouri 64141-9679
victoria.schatz@kcpl.com

Glenda Cafer (Bar No. 13342)
Cafer Law Office, L.L.C.
3321 SW 6th Avenue
Topeka, Kansas 66606
(785) 271-9991
(785) 233-3040 Fax
gcafer@sbcglobal.net

10. In addition to the counsel of record for KCP&L listed above, service of pleadings, communications, and correspondence shall be delivered to KCP&L's other designee:

Mary Turner, Regulatory
Kansas City Power & Light
One Kansas City Place

1200 Main Street – 19th Floor
PO Box 418679
Kansas City, Missouri 64141-9679
mary.turner@kcpl.com

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Citizens' Utility Ratepayer Board is granted intervention in the above-captioned proceeding. Counsel of record for the petitioner and its other designees shall receive service of all pleadings in this matter, as set forth in paragraphs 4 and 5.

B. Kansas City Power & Light Company is granted intervention in the above-captioned proceeding. Counsel of record for the petitioner and its other designee shall receive service of all pleadings in this matter, as set forth above in paragraphs 9 and 10.

C. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2009 Supp. 77-529(a)(1).

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chairman; Harkins, Com.

Dated: FEB 24 2010

ORDERED MAILED

FEB 25 2010

 EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

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