

**BEFORE THE KANSAS CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of Application of Great Plains Energy
Incorporated, Kansas City Power & Light Company
And Westar Energy, Inc. for Approval of the Merger of
Westar Energy Inc. and Great Plains Energy Incorporated

Docket No. 18-KCPE-095-MER

PETITION TO INTERVENE OF CLIMATE AND ENERGY PROJECT

Petitioner, Climate and Energy Project (CEP), hereby respectfully petitions the Kansas Corporation Commission under K.S.A. 77-521 and K.A.R. 82-1-225 to intervene in the above-captioned matter. In support of CEP's petition the following is stated:

1. The Climate Energy Project ("CEP") is located in Hutchinson, Kansas. It began as a project of the highly-renowned Land Institute located in Salina, Kansas. CEP is now a separately incorporated nonprofit. Its goal is to support the cost-effective, sustainable deployment of energy efficiency and renewable energy to reduce greenhouse gas emissions.
2. The mission of CEP is to infuse certain core values into community, regional, and national discussion that include: 1) stewardship of the earth's resources, 2) developing flexible energy systems, 3) balancing the benefits and burdens of energy technologies and 4) supporting the creative implementation of renewable and energy efficiency technologies that are environmentally and socially sustainable. CEP maintains an extensive website at <http://www.climateandenergy.org/> in order to pursue and accomplish its mission and inform the public about environmental and energy issues and policies.

3. This docket addresses the proposed merger of the two largest jurisdictional utilities in Kansas.¹ Accordingly, the merger standards articulated in the Commission's Order of August 9, 2016, in Docket No. 16-KCPE-593-ACQ (hereinafter referenced as 2016 Merger Standards Order) are relevant. The merger standards include considerations that are consistent with CEP's mission and past involvement in Commission proceedings.
4. Paragraph 5(b) of the 2016 Merger Standards Order requires considerations regarding effects on the environment that result from a merger. CEP's organizational purpose and advocacy efforts have allowed it to develop expertise in the area of environmental impacts related to energy production and use.² The Application advances that the merger will have a positive effect on the environment.³ The proposed merger will impact the merged entity's generation profile that, if realized, will result in reduced reliance on fossil fuels.⁴ CEP's intervention will allow it to advocate for the merged entity to maximize renewable fuel generating resources and opportunities for efficiency and demand side management. CEP has a cognizable interest in seeing that the proposed merger promotes sustainable and environmentally sound energy generation that is less reliant on fossil fuels.
5. Paragraph 5(c) of the 2016 Merger Standards Order directs attention to the economic impacts on Kansas and communities impacted by a merger. CEP's organizational purpose and advocacy efforts include consideration of impacts on communities.⁵ CEP collaborates with a broad range of municipalities, businesses and organizations. Through

¹ Application, paras. 1 and 2.

² See: <http://www.climateandenergy.org/page.30.water-and-energy-progress>

³ Application, para. 50

⁴ Application, paras. 50-53

⁵ See: <http://www.climateandenergy.org/page.63.climate-change-air-quality-and-human-health>

CEP's Clean Energy Business Council, a multi-sector business group focused on advancing the clean energy economy, CEP advocates on behalf of twenty companies representing thousands of employees in Kansas and beyond. This collaboration has allowed CEP to better understand the economic impacts of legislative and regulatory policies that bear on energy generation and use.⁶ The Application advances that the merger will have a positive impact on Kansas and local economies.⁷ Intervention in this docket will enable CEP to offer relevant evidence that bears on the impacts on various communities, organizations and businesses focused on clean energy, that may result from a merger, as proposed. CEP has a cognizable interest in ensuring that the impacts from a merger account for impacts on municipalities, businesses and organizations, and the communities of which they are a part

6. Paragraph 5(f) of the 2016 Merger Standards Order requires consideration of whether a merger "maximizes the use of Kansas energy resources." CEP has developed extensive information resources related to Kansas public policy concerning energy generation, and its health impacts, transmission, security and efficient use.⁸ The Application advances that the merger will allow both Westar and KCP&L to rely principally on Kansas energy resources and that a merger will allow the possibility of developing such resources further.⁹ CEP's experience and expertise on issues related to Kansas energy resources will enable it to offer relevant evidence of how a merger will affect the use of Kansas

⁶ See: <http://www.climateandenergy.org/page.27.projects-partners>

⁷ Application, para. 54

⁸ See: <http://www.climateandenergy.org/page.40.kansas-energy-policy>

<http://www.climateandenergy.org/page.37.energy-transmission>

<http://www.climateandenergy.org/page.33.renewable-energy>

<http://www.climateandenergy.org/page.38.energy-efficiency>

<http://www.climateandenergy.org/page.39.energy-security>

⁹ Application, para. 63

energy resources. CEP has a cognizable interest in ensuring that a merged entity makes maximum use of renewable fuels and integrates efficiency as Kansas energy resources.


7. Paragraph 5(g) of the 2016 Merger Standards Order requires a consideration of the merger will result in reductions of economic waste. CEP views this requirement to include maximizing the use of renewable fuels and efficiency measures to avoid wasteful use of resources. As noted above, CEP has a demonstrated track record of expertise and advocacy related to renewable fuels and efficiency measures. The Application advances that the merger will reduce possible waste by closure of specified fossil fueled generating plants.¹⁰ CEP has a cognizable interest in ensuring that the merger, if approved, includes the closure of the specified plants and advocating for further measures designed to avoid waste such as increased use of efficiency measures.
8. CEP has a demonstrated interest in energy efficiency and demand side management programs in Kansas. For example, CEP intervened in Docket No. 10-KCPE-795-TAR, Docket No. 12-GIMX-337-GIV, Docket No. 15-KCPE-116-RTS and Docket No. 16-KCPE-446-TAR that focused on energy efficiency and demand side management programs and the regulatory treatment related thereto. CEP's participation in these dockets is relevant to this proposed merger because KCP&L and Westar have advanced and adopted, to varying degrees, energy efficiency programs that will, presumably, be up for reconsideration as the proposed new merged entity takes effect. CEP has a cognizable interest under paragraph 5(g) of the Merger Standards in maximizing the opportunities for energy efficiency and demand side management that result from the proposed merger.

¹⁰ Application, paras. 64-65

9. CEP's advocacy and interests in maximizing renewable fuels and efficiency are different from other parties in this docket. No other party has a comparable background and expertise in Kansas energy policy and utility regulation related to maximizing the deployment of renewable fuels and efficiency measures. Accordingly, CEP's interests are not adequately represented by the current parties to this docket.
10. CEP respectfully requests that it be allowed to fully participate in this docket including filing pleadings, engaging in motion practice, discovery, presentation of testimony and participation in any and all hearings.
11. In addition to the undersigned counsel please direct docket related communications, including notices and orders to Dorothy Barnett at email address barnett@climateandenergy.org.

WHEREFORE, Petitioner CEP hereby respectfully requests the Commission to issue an Order granting its Petition to Intervene.

Respectfully submitted,
The Climate Energy Project, Petitioner


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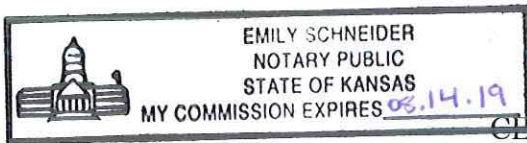
VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

Robert V. Eye, of lawful age, being first duly sworn upon oath, deposes and states: That he is an attorney for the Climate Energy Project, that he has read the above and foregoing *Petition for Intervention* and that the statements therein contained are true according to his knowledge, information and belief.

R. Eye
Robert V. Eye

Subscribed and sworn to before me this 19th day of September, 2017.



Emily Schneider
Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing was served electronically on September 19, 2017, on the following:

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