

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application of Great )  
Plains Energy Incorporated, Kansas City )  
Power & Light Company and Westar ) Docket No. 18-KCPE-095-MER  
Energy, Inc. for Approval of the Merger of )  
Westar Energy, Inc. and Great Plains )  
Energy Incorporated. )

**STAFF'S OBJECTION TO CLIMATE AND ENERGY PROJECT'S PETITION TO  
INTERVENE**

The Staff of the Kansas Corporation Commission (Staff and Commission, respectively), hereby states the following in response to Climate and Energy Project's (CEP's) *Petition to Intervene of Climate and Energy Project* (Petition to Intervene) filed September 19, 2017, in this proceeding:

1. As a pre-requisite to intervention, a prospective party must provide facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.<sup>1</sup>

2. CEP has indicated that it is an incorporated nonprofit that has a goal of supporting the cost-effective, sustainable deployment of energy efficiency and renewable energy to reduce greenhouse gas emissions.<sup>2</sup> CEP also states that the mission of CEP is to infuse certain core values into community, regional, and national discussion pertaining to stewardship of the earth's resources, developing flexible energy systems, balancing the benefits and burdens of energy

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<sup>1</sup>See K.A.R. 82-1-225(a)(2).

<sup>2</sup>Petition to Intervene of Climate and Energy Project, p. 1 (Sept. 19, 2017).

technologies, and supporting the creative implementation of renewable and energy efficiency technologies that are environmentally and socially sustainable.<sup>3</sup>

3. CEP explains that the proposed merger between Westar Energy, Inc. (Westar) and Kansas City Power & Light Company (KCP&L) involves considerations that are consistent with CEP's mission and past involvement in Commission proceedings.<sup>4</sup> Specifically, CEP is interested in merger standards 5(b) (effects on the environment); 5(c) (economic impacts); 5(f) (maximizing the use of Kansas energy resources); and 5(g) (economic waste).<sup>5</sup>

4. CEP seeks full intervenor status as a result of its interests in this proceeding.

5. Staff respectfully objects to CEP's intervention. CEP has not identified a cognizable legal interest that will be affected by the outcome of this proceeding.<sup>6</sup> CEP has explained that it has goals of promoting renewable energy and infusing its core values into community, regional, and national discussions. However, these appear to be aspirations rather than legal interests. Therefore, the Commission should deny CEP's intervention.

6. In the alternative, should the Commission determine that CEP does qualify for intervention; the Commission should limit CEP's participation to its identified areas of concern. Namely, merger standards 5(b), (c), (f), and (g). The Commission should exclude CEP from participating in the evidentiary hearing in order to promote the orderly and prompt conduct of the proceedings.

7. The Commission has the authority to limit the participation of an intervenor.<sup>7</sup> The Commission may limit an intervenor's participation to designated issues in which the intervenor has a particular interest, and the Commission may limit the intervenor's use of discovery, cross-

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<sup>3</sup>Id.

<sup>4</sup>Id. at 2.

<sup>5</sup>See Id. at 2-4.

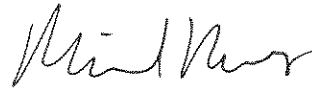
<sup>6</sup>See generally *Friends of Bethany Place, Inc. v. City of Topeka*, 297 Kan. 1112, 1126 (Aug. 23, 2013).

<sup>7</sup>See K.A.R. 82-1-225(c).

examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings.<sup>8</sup>

WHEREFORE, for the reasons set forth above, Staff respectfully requests that the Commission deny CEP's intervention, or, in the alternative, limit the company's participation to discovery, motions, and briefs pertaining to merger standards 5(b), (c), (f), and (g). The Commission should deny CEP's participation in any evidentiary hearing.

Respectfully Submitted,



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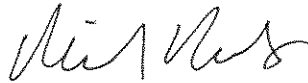
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<sup>8</sup>See Id.

STATE OF KANSAS            )  
                                      ) ss.  
COUNTY OF SHAWNEE    )

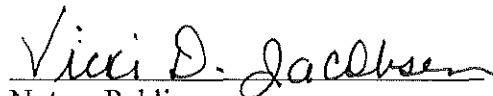
**VERIFICATION**

Michael Neeley, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Staff's Objection to Climate and Energy Project's Petition to Intervene* and that the statements contained therein are true and correct to the best of his knowledge, information and belief.



Michael Neeley # 25027  
Kansas Corporation Commission of the  
State of Kansas

Subscribed and sworn to before me this 20th day of September, 2017.

  
Notary Public

My Appointment Expires: June 30, 2018

## CERTIFICATE OF SERVICE

18-KCPE-095-MER

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Objection to Climate and Energy Project's Petition to Intervene was served via electronic service this 20th day of September, 2017, to the following:

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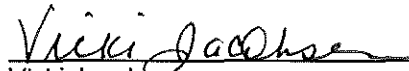
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