


THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
Joseph F. Harkins

STATE CORPORATION COMMISSION

In the Matter of the Application of The Empire)
District Electric Company for Approval to)
Implement its Portfolio of Energy Efficiency and)
Demand Response Programs for its Kansas)
Customers, to Provide for Program Cost Recovery)
and Lost Revenues Through a Rider Mechanism, to)
Obtain any Necessary Waivers from the)
Commission, and for Appropriate Accounting)
Authority to Defer Expenses and Revenues)
Associated with the Filing.)

FEB 09 2010



Docket No. 10-EPDE-497-TAR

PETITION TO INTERVENE

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and moves the Corporation Commission of the State of the Kansas ("Commission") for an order permitting it to intervene in the above-captioned proceeding. In support of its petition, CURB states and alleges as follows:

1. CURB is composed of five volunteer consumer advocate members and is statutorily authorized to represent the interests of Kansas residential and small commercial ratepayers in utility proceedings.
2. CURB's Consumer Counsel has been given the discretion to intervene and represent the interests of Kansas residential and small commercial ratepayers in any utility proceeding before the Commission under K.S.A. 66-1223 et seq.
3. On January 29, 2010, The Empire District Electric Company filed an Application for the Approval of the Kansas Corporation Commission for the Purpose to Implement its Portfolio of Energy Efficiency and Demand Response Programs for its Kansas Customers, to Provide for Program Cost Recovery and Lost Revenues Through a Rider Mechanism, to Obtain any Necessary

Waivers from the Commission, and for Appropriate Accounting Authority to Defer Expenses and Revenues Associated with the Filing.

4. CURB is requesting permission to intervene in this docket to represent the interests of the residential and small commercial ratepayers of Kansas. The rates paid and the service received by those customers will or may be affected by any Commission order or activity in this proceeding.

5. In addition to undersigned counsel, please include the following CURB representatives with all electronic notices, pleadings, and correspondence regarding this Application as follows:

Shonda Smith
Office Manager
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
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Della Smith
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6. The representation of CURB's interests in this proceeding by existing parties is or may be inadequate.

7. The residential and small commercial ratepayers whose interests CURB represents will or may be bound by any Commission order or activity in this proceeding and will or may be adversely affected thereby.

WHEREFORE, CURB RESPECTFULLY REQUESTS THE Commission grant its Petition for Intervention in this Docket.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'N. Christopher', written over a horizontal line.

David Springe #15619

Niki Christopher #19311

C. Steven Rarrick #13127

Citizens' Utility Ratepayer Board

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Topeka, KS 66604

(785) 271-3200

(785) 271-3116 Fax

VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SHAWNEE) ss:


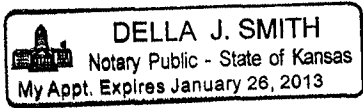
I, Niki Christopher, of lawful age, being first duly sworn upon her oath states:

That she is an attorney for the above named petitioner; that she has read the above and foregoing Intervention, and, upon information and belief, states that the matters therein appearing are true and correct.



Niki Christopher

SUBSCRIBED AND SWORN to before me this 9th day of February, 2010.



Notary of Public

My Commission expires: 1-26-2013

CERTIFICATE OF SERVICE

10-EPDE-497-TAR

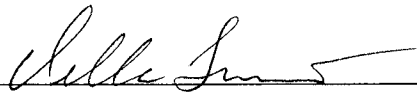
I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, or hand-delivered this 9th day of February, 2010, to the following:

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**** Hand Deliver ****



Della Smith