

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

BEFORE COMMISSIONERS: Dwight Keen, Chair
 Shari Feist Albrecht, Commissioner
 Susan K. Duffy, Commissioner

In The Matter of a General Investigation)
Regarding the Possible Implementation of a)
separate Schools-only Tariff in Kansas City) Docket No. 19-GIME-504-GIE
Power & Light's service territory.)

**USD 259'S RESPONSE TO THE OBJECTION OF
KANSAS CITY POWER & LIGHT COMPANY'S OBJECTION
TO THE INTERVENTION OF USD 259**

The history of this Docket is correctly noted in paragraphs #1 and #2 of Kansas City Power & Light Company's (hereinafter KCP&L) Objection to the Petition to Intervene of Unified School District 259 (USD 259).

1. Although KCP&L filed its Objection to USD 259's Petition to Intervene, KCP&L failed to serve its Objection on USD 259 or its counsel as clearly demonstrated by the service list attested to by Mr. Robert W. Steiner. Counsel for USD 259 discovered the filing of the Objection independently.

2. KCP&L posits that USD 259 should not be permitted to intervene because "It fails to demonstrate the legal right, duty, privilege, immunity, or legal interest that may be substantially affected by the proceeding as required by K.A.R. 82-1-225(a)(2)." USD 259 does not rely upon K.A.R. 82-1-225(a)(2) as its grounds for intervention. Rather, it seeks intervention on the basis of sub-part (b) of that regulation, which can be described as a discretionary intervention whereby "(b) The presiding officer may grant a petition for intervention at any time upon determining that the intervention sought is in the interest of justice and will not impair the orderly and prompt conduct of the proceedings."

3. It should be noted that USD 259's Petition to Intervene did not seek to intervene in every aspect of this Docket but rather an intervention for the purposes of submitting comments regarding a study of possible public school tariffs and the submissions by other participating parties. USD 259 does not anticipate conducting any discovery or the filing of any testimony in this matter.

4. A separate school tariff is vitally important to all public schools served by all utilities so it can be determined that the service provided to schools is not at a cost to other classes of service and that schools are not subsidizing other classes of service.

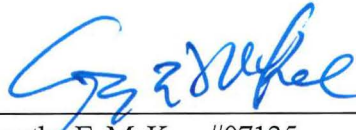
5. The public interest would be served and these proceedings would not be impaired by allowing USD 259's requested intervention.

WHEREFORE, USD 259 respectfully renews its request to be allowed to intervene in the captioned Docket.

Respectfully submitted,

TRIPLETT WOOLF GARRETSON, LLC

By



Timothy E. McKee, #07135

Amy Fellows Cline, #19995

Attorneys for USD 259

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

Tom Powell, of lawful age, being first duly sworn, upon oath states: He is the General Counsel for USD 259, and that he has read the above Petition to Intervene, knows the contents and knows that the statements made therein are true and correct, to the best of his knowledge and belief.



TOM POWELL

SUBSCRIBED AND SWORN to before me this 12th day of August, 2019.





Notary Public

My Commission Expires:

4-17-2023

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 12th day of August, 2019, to the following:

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
jflaherty@andersonbyrd.com

MARTIN J. BREGMAN
BREGMAN LAW OFFICE, L.L.C.
311 PARKER CIRCLE
LAWRENCE, KS 66049
mjb@mjbregmanlaw.com

GLENDA CAFER, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
terri@caferlaw.com

JOSEPH R. ASTRAB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
j.astrab@curb.kansas.gov

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
t.love@curb.kansas.gov

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
D.NICKEL@CURB.KANSAS.GOV

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
s.rabb@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
d.smith@curb.kansas.gov

ROBERT J. HACK
LEAD REGULATORY COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL
1200 MAIN ST 19TH FLOOR
KANSAS CITY, MO 64105
ROB.HACK@KCPL.COM

DARRIN R. IVES, VICE PRESIDENT,
REGULATORY AFFAIRS
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL,
1200 MAIN ST 19TH FLOOR
KANSAS CITY, MO 64105
darrin.ives@kcpl.com

RONALD A. KLOTE, DIRECTOR,
REGULATORY AFFAIRS
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PLACE
1200 MAIN, 19TH FLOOR
KANSAS CITY, MO 64105
ronald.klote@kcpl.com

ROGER W. STEINER,
CORPORATE COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL
1200 MAIN ST 19TH FLOOR
KANSAS CITY, MO 64105
roger.steiner@kcpl.com

ANTHONY WESTENKIRCHNER
SENIOR PARALEGAL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL
1200 MAIN ST 19TH FLOOR
KANSAS CITY, MO 64105
anthony.westenkirchner@kcpl.com

BRIAN G. FEDOTIN
DEPUTY GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
b.fedotin@kcc.ks.gov

CARLY MASENTHIN
LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
c.masenthin@kcc.ks.gov

ROBERT VINCENT
LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
r.vincent@kcc.ks.gov

JUDY JENKINS HITCHYE
MANAGING ATTORNEY
KANSAS GAS SERVICE
A DIVISION OF ONE GAS, INC.
7421 W 129TH ST
OVERLAND PARK, KS 66213-2713
judy.jenkins@onegas.com

JENNIFER S. GRIFFIN
LATHROP & GAGE, L.C.
314 East High Street
Jefferson City, MO 65101
jgriffin@lathropgage.com

GRANT HARSE
LATHROP & GAGE, L.C.
2345 Grand Blvd Suite 2200
Kansas City, MO 64108
gharse@lathropgage.com

ANDREW J. FRENCH, ATTORNEY AT LAW
SMITHYMAN & ZAKOURA, CHTD.
7400 W 110TH ST STE 750
OVERLAND PARK, KS 66210-2362
andrew@smizak-law.com

JAMES P. ZAKOURA, ATTORNEY
SMITHYMAN & ZAKOURA, CHTD.
7400 W 110TH ST STE 750
OVERLAND PARK, KS 66210-2362
jim@smizak-law.com

CATHRYN J. DINGES
CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
cathy.dinges@westarenergy.com

DAVID L. WOODSMALL
WOODSMALL LAW OFFICE
308 E HIGH ST STE 204
JEFFERSON CITY, MO 65101
david.woodsmall@woodsmallllaw.com



Timothy E. McKee, #7135