

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

Before Commissioners:                    Thomas E. Wright, Chairman  
   Robert E. Krehbiel  
   Michael C. Moffet

In the Matter of the Joint                    )  
Application of Great Plains Energy        )  
Incorporated, Kansas City Power         )        Docket No. 07-KCPE-1064-ACQ  
& Light Company and Aquila, Inc.        )  
for Approval of the Acquisition of        )  
Aquila, Inc. by Great Plains             )  
Energy Incorporated.                        )

**ORDER GRANTING PETITIONS TO INTERVENE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

**I. Background**

1.        On April 4, 2007, Great Plains Energy, Inc. (Great Plains), Kansas City Power & Light Company (KCPL), and Aquila, Inc. (Aquila) filed an application for approval of the acquisition of Aquila by Great Plains, the parent company of KCPL.

2.        On April 5, 2007, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene in this matter. In its Petition, CURB stated it 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. Furthermore, CURB stated the interests of the parties it represents may be affected by this proceeding. Considering that the representation of these interests by existing parties is or may be inadequate, CURB requested the Commission allow it to intervene in the proceedings.

3. On April 12, 2007, Black Hills Corporation (Black Hills) filed a Petition to Intervene, stating its interests are substantially affected by the outcome of this proceeding because it has filed an application in Docket No. 07-BHCG-1063-ACQ which is conditioned on the outcome of the instant docket. Thus, Black Hills stated its interests cannot be adequately represented by any other party.

## II. Findings and Conclusions

4. Pursuant to K.A.R. 82-1-225(a), the Commission shall grant a petition for intervention if the presiding officer finds the following factors:

(1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least three days before the hearing.

(2) The petition states 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.

(3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

See K.S.A. 77-521(a).

5. Pursuant to K.A.R. 82- 1-225(b), the Commission may “grant a petition for intervention at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.” See K.S.A. 77-521(b).

6. Finally, the Commission may limit an intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated in the petition; limit an intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and require two or more intervenors to combine

their presentation of evidence and argument, cross-examination, discovery, and other participation in the proceedings. K.A.R. 82-1 -225(c)(1) -(3). Conditions on intervention may be imposed at the time that intervention is granted or at any subsequent time. K.A.R. 82-1-225(c); See K.S.A. 77-521(c).

7. The Commission finds and concludes the respective Petitions for Intervention filed by CURB and Black Hills shall be granted. The following parties shall be added to the service list:

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**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The respective Petitions to Intervene filed by the Citizens' Utility Ratepayer Board and Black Hills Corporation are approved.

B. The parties have fifteen days, plus three days if service of this Order is by mail, from the date of service of this Order in which to request rehearing on any matter decided herein. K.S.A. 66-118b, K.S.A. 2006 Supp. 77-529(a)(1).

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

**BY THE COMMISSION IT IS SO ORDERED.**

**ORDER MAILED**

Wright, Chmn.; Krehbiel, Com.; Moffet, Com.

**JUL 25 2007**

Dated:                     **JUL 25 2007**                    

 Executive Director

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Susan K. Duffy  
Executive Director

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