

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

Received  
on

**FEB 28 2013**

In the Matter of Kansas City Power & Light )  
Company's Compliance with the ) Docket No. 13-KCPE-463-CPI  
Commission's Order in Docket No. 13- )  
GIME-391-GIE. )  
by  
State Corporation Commission  
of Kansas

**KANSAS CITY POWER & LIGHT COMPANY'S OBJECTION  
TO INTERVENTION OF THE  
SOLAR ENERGY INDUSTRIES ASSOCIATION – HEARTLAND CHAPTER**

Kansas City Power and Light Company ("KCP&L") objects to the Petition To Intervene filed in this compliance docket by the Solar Energy Industries Association – Heartland Chapter ("HSEIA") on the basis that (1) HSEIA has failed to state an interest in this proceeding sufficient to support its intervention, and (2) intervention in a compliance docket by a party other than Staff is inappropriate, unnecessary and not provided for under the Commission's regulations. In support of its objection, KCP&L states as follows:

**I. BACKGROUND AND OVERVIEW**

1. On December 13, 2012, the Kansas Corporation Commission ("Commission" or "KCC") issued its *Order Opening General Investigation Docket* in Docket No. 13-GIME-391-GIE ("the 391 Docket"). The Commission's Order addressed Senate Substitute for HB 2526 amending K.S.A. 66-1260 which required, in part, that the Commission provide a report to the legislature on or before March 1 of each year on the statewide retail rate impact related to the Renewable Energy Standard ("RES"). House Bill 2526 also allows the Commission to require submission of information related to a utility's portfolio requirement through either an order or rules and regulations. The Commission directed electric utilities to update their August 2012

RES report to provide a retail rate impact, and ordered that future RES reports should include a retail rate impact calculation. The Commission indicated it would continue to receive input from electric utilities on whether changes to regulations on this matter are needed.

2. Pursuant to the Commission's December 13, 2012 Order, on January 16, 2013, KCP&L filed its Updated Version of its August 2012 RES Report in the 391 Docket, along with an Entry of Appearance for Roger Steiner, Glenda Cafer and Terri Pemberton, and a withdrawal of counsel for Denise Buffington. KCP&L also requested that Mary Turner of KCP&L's Regulatory Department be added to the service list. The Commission decided administratively that company-specific updates would be filed in separate compliance dockets. For KCP&L, the Commission opened this docket and directed KCP&L's Updated Version of its August 2012 RES Report to be filed herein instead of in the 391 Docket. However, KCP&L's Entry of Appearance and Withdrawal of Counsel was only filed in the 391 Docket. As such, Mr. Steiner, Ms. Cafer, Ms. Pemberton, and Ms. Turner were not initially included on the service list of this proceeding and documents have not been served on those individuals. Upon realizing this problem regarding the service list, KCP&L filed an entry of appearance for Mr. Steiner, Ms. Cafer and Ms. Pemberton in this docket on February 27, 2013, again requesting that Mary Turner also be added to the service list.

3. On February 7, 2013, HSEIA filed to intervene in the 391 Docket. There were no objections to HSEIA's intervention, and it was granted by the Commission on February 20, 2013.

4. On February 15, 2013, HSEIA filed a Petition to Intervene in this KCP&L compliance docket. KCP&L hereby objects to the intervention of HSEIA in this docket for the following reasons:

- a. HSEIA has failed to meet the Commission's requirements for intervention;
- b. Intervention in a compliance docket by a partisan entity is inappropriate, unnecessary and not provided for under the Commission's regulations.

## II. ARGUMENT

### A. *HSEIA has failed to meet the Commission's requirements for intervention.*

5. K.A.R. 82-1-225 provides that a petition for intervention shall be granted if three conditions are met: (1) the petition is submitted in writing and provided to parties at least three days before 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 intervener under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. (Emphasis added.) HSEIA's Petition fails to state facts demonstrating that its legal interests may be substantially affected by this proceeding.

6. HSEIA makes a general statement in its Petition that it advocates for the development of solar energy projects in Kansas and that its legal rights and economic interest will be affected by this proceeding.<sup>1</sup> It does not explain how this compliance docket might affect its interests as a solar energy project developer in Kansas. The Petition fails to meet the basic requirements of K.A.R. 82-1-225 and should be denied.

7. This is an information gathering docket. The Commission is not poised to make any decisions in this docket, but rather, is using the docket to gather the information it needs to meet its obligation to present its annual report to the legislature, as required by K.S.A. 66-1260. Information gathering activities conducted by the Commission and its Staff do not impact rates,

---

<sup>1</sup> HSEIA Petition, ¶1 and ¶ 3.

and the Commission does not have the power to modify statutorily prescribed Renewable Energy Portfolio Standards. Thus, there is no ultimate Commission action to come from this docket which would, or could, impact the legal interests of HSEIA. Intervention should be denied under K.A.R. 82-1-225.

*B. Intervention in a compliance docket by a partisan entity is inappropriate and unnecessary and not provided for under the Commission's regulations.*

8. The purpose of this compliance docket is to allow the Commission to gather the information it needs so that it can provide the legislature with the annual report required under K.S.A. 66-1260. Only the Commission has this obligation. Non-Commission entities have no need to be classified as parties to this compliance docket, and they have no purpose in shadowing the Commission as it performs this function.

9. This is not a litigation docket. Reports filed herein by KCP&L are made separate from the general investigatory docket which spawned this compliance dockets (the 391 Docket). HSEIA is a party to the general investigatory 391 Docket and may participate in those proceedings where appropriate and as allowed by the Commission. A compliance docket is not the proper venue for conducting discovery, hearings and the presentation of conflicting positions.

10. The Commission and its Staff are charged with the obligation to regulate public utilities, which includes monitoring activities to ensure compliance with Orders, laws and regulations. The Commission has the statutory power to require a regulated public utility to submit records and information to the agency. The Kansas Legislature has not granted HSEIA, or any other partisan interest group authority to monitor, investigate or demand information from a public utility. Further, these special interest groups do not have a legal right to access such information simply because it is submitted to Staff pursuant to a Commission Order establishing a compliance monitoring process.

11. Historically, compliance reporting by a utility company was accomplished by providing a copy of the required report or information directly to Staff. No docket was opened and nothing was published on the Commission's website. Staff would review the information and work with the company in obtaining any additional information needed to determine whether the company was in compliance, and if any issues regarding compliance arose, Staff would bring the matter before the Commission via a show cause proceeding. Assigning compliance filings a docket number is a fairly recent occurrence at the Commission. KCP&L believes it is a good procedural change, as it allows the Commission a more reliable method for keeping track of what is filed and it provides notice that the required filings are being made. However, the compliance docket represents a monitoring process; it is not a "proceeding" for which intervention is contemplated under the Commission's regulations.

### III. CONCLUSION

12. The Petition to Intervene of HSEIA should be denied because (1) it fails to comply with the requirements of K.A.R. 82-1-225 in that it does not state facts demonstrating that HSEIA's legal rights will be substantially impacted by these proceedings, and (2) intervention in a compliance docket by a partisan entity is inappropriate and unnecessary and not provided for under the Commission's regulations.

Respectfully submitted,

Roger W. Steiner (MO #39586)  
Corporate Counsel  
Kansas City Power & Light Company  
1200 Main Street, 16th Floor  
Kansas City, MO 64105  
Telephone: (816) 556-2314  
Facsimile: (816) 556-2787  
[roger.steiner@kcpl.com](mailto:roger.steiner@kcpl.com)



---

Glenda Cafer (#13342)

Telephone: (785) 271-9991

Terri Pemberton (#23297)

Telephone: (785) 232-2123

CAFER LAW OFFICE, L.L.C.

3321 SW 6<sup>th</sup> Avenue

Topeka, Kansas 66606

Facsimile: (785) 233-3040

[glenda@caferlaw.com](mailto:glenda@caferlaw.com)

[terri@caferlaw.com](mailto:terri@caferlaw.com)

COUNSEL FOR

KANSAS CITY POWER & LIGHT COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of Kansas City Power & Light Company's Objection to Intervention of HSEIA was hand-delivered or served electronically on this 28<sup>th</sup> day of February, 2013 to:

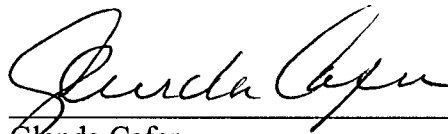
DAVID SPRINGE  
NIKI CHRISTOPHER  
C. STEVEN RARRIC  
DELLA SMITH  
SHONDA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604

ROGER STEINER  
KANSAS CITY POWER & LIGHT  
ONE KANSAS CITY PLACE  
1200 MAIN STREET (64105)  
KANSAS CITY, MO 64141-9679

MARY TURNER  
KANSAS CITY POWER & LIGHT  
ONE KANSAS CITY PLACE  
1200 MAIN STREET (64105)  
KANSAS CITY, MO 64141-9679

HOLLY FISHER  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

C. EDWARD PETERSON  
FINNEGAN CONRAD & PETERSON LC  
1209 PENNTOWER OFFICE CENTER  
3100 BROADWAY  
KANSAS CITY, MO 64111



---

Glenda Cafer  
Terri Pemberton  
CAFER LAW OFFICE, LLC