

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Received
on

JAN 24 2013

by
State Corporation Commission
of Kansas

In the Matter of Empire District Electric)
Company's Compliance with the) Docket No. 13-EPDE-465-CPL
Commission's Order in Docket No. 13-)
GIME-391-GIE.)

PETITION TO INTERVENE and MOTION FOR PROTECTIVE ORDER

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, and moves for issuance of a protective order in the same 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 December 13, 2012, the Kansas Corporation Commission opened a general investigation docket, No. 13-GIME-391-GIE (391 Docket), to gather information from the state's electric utilities concerning the impact on retail electric rates of meeting the state's Renewable Energy Standards, as set forth in K.S.A. 66-1260, in order to report on the matter to the Kansas Legislature.

4. On January 2, 2013, the Commission granted CURB's petition to intervene in the 391 Docket without limitation or restrictions regarding access to filings to be made in the docket.

5. On January 16, 2013, the above-captioned "compliance" docket was opened by Staff "to maintain the confidentiality" of information filed in response to the Commission's order issued in Docket No. 13-GIME-391-GIE. While CURB questions the propriety of Staff unilaterally opening one docket to secretly gather evidence for another docket without following the procedures laid out in K.S.A. 82-1-214, CURB recognizes as a practical matter that the most direct means of gaining access to the filings being provided in response to the Commission's order in the 391 Docket will be accomplished by CURB's intervention in this docket.

6. Therefore, 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. This is the same rationale accepted by the Commission for granting CURB's intervention in the 391 Docket, and should be accepted in this docket, as well.

8. To protect confidential information that has been filed or may be filed in this docket, CURB also moves the Commission to issue a protective order in this docket. Binding the parties to abide by the protective order should be more than adequate to protect the interest of the utility in protecting its confidential information while providing CURB full access to the information.

9. 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
Email: sd.smith@curb.kansas.gov

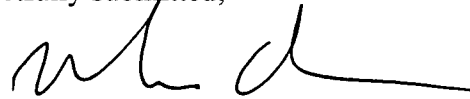
Della Smith
Administrative Specialist
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: d.smith@curb.kansas.gov

10. The representation of CURB's interests in this proceeding by existing parties is or may be inadequate.

11. 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 and grant its motion to issue a protective order.

Respectfully submitted,



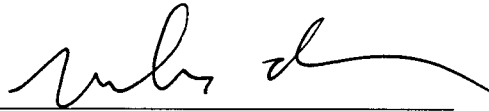
David Springe #15619
Niki Christopher #19311
C. Steven Rarrick #13127
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
(785) 271-3200
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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

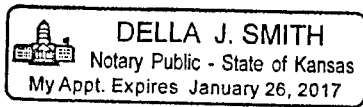
I, Niki Christopher, of lawful age, being first duly sworn upon her oath states:

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 24th day of January, 2013.


Notary Public

My Commission expires: 01-26-2017.

CERTIFICATE OF SERVICE

13-EPDE-465-CPL

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 24th day of January, 2013, to the following:

W. SCOTT KEITH, DIRECTOR OF PLANNING AND REGULATORY
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE (64801)
PO BOX 127
JOPLIN, MO 64802

HOLLY FISHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
Hand Delivered



Della Smith
Administrative Specialist