

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

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

In the Matter of the Application of Kansas City Power &)
Light Company for Approval of a Low Income)
Weatherization Variance and for Approval of Related) Docket No. 09-KCPE-828-TAR
Modifications to its Low Income Weatherization Tariff.)

ORDER GRANTING CURB'S PETITION 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 finds as follows:

I. BACKGROUND

1. On April 23, 2009, Kansas City Power & Light Company (KCPL) filed an application with the Commission requesting approval of KCPL's Low Income Weatherization - Variance tariff and a related modification to KCPL's Low Income Weatherization tariff.

2. On April 29, 2009, the Commission issued its Order Assessing Costs.

3. On April 28, 2009, the Citizens' Utility Ratepayer Board (CURB) filed a Petition To Intervene seeking a Commission order granting CURB leave to intervene as a party in this matter.

4. In support of its Petition to Intervene, CURB states the following:

a) 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;

b) 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.*;

c) CURB is requesting permission to intervene in this docket to represent the interests of the residential and small commercial ratepayers of Kansas;

d) CURB states that the rates paid and the service received by those customers whom CURB represents will or may be affected by any Commission order or activity in this proceeding;

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

f) 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.

II. DISCUSSION

5. The general criteria governing intervention is set by statute and in the Commission's rules and regulations, specifically K.S.A. 77-521 and K.A.R. 82-1-225. These authorities provide the Commission considerable discretion regarding intervention, essentially allowing the Commission to grant intervention if it is determined that the request was made in the interest of justice and will not delay the orderly and prompt conduct of the proceeding. Further, K.S.A. 77-521 and K.A.R. 82-1-225 provide that a) the intervener's participation may be limited to designated issues in which the intervener has a particular interest; b) the

intervener's use of discovery, cross-examination and other procedures may be limited so as to promote the orderly and prompt conduct of the proceedings; and c) two or more interveners may be required to combine their presentations of evidence and argument, cross-examination, discovery and other participation in the proceedings.

6. The Commission finds that Citizens' Utility Ratepayer Board, the agency statutorily authorized to represent the interests of residential and small commercial ratepayers in Kansas, properly filed its Petition to Intervene and states facts demonstrating that its legal interests may be substantially affected by this proceeding. Therefore, the Commission grants full intervention to CURB. CURB is reminded that the Commission may, at any time, limit their participation in this proceeding, including the use of discovery, cross-examination and other procedures so as to promote the orderly and prompt conduct of this proceeding.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Petition to Intervene filed by the Citizens' Utility Ratepayer Board is hereby granted pursuant to K.S.A 77-521 and K.A.R 82-1-225, as set forth in this Order.

B. Any party may file a petition for reconsideration of this order within fifteen (15) days of the service of this order. If this order is mailed, service is complete upon mailing, and three (3) days may be added to the above time frame. K.S.A. 66-118b; K.S.A. 2008 Supp. 77-529.

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

BY THE COMMISSION, IT IS SO ORDERED.

Wright, Chmn.; Moffet, Comm.; Harkins, Comm.

Dated: MAY 11 2009

ORDERED MAILED

MAY 12 2009

Susan K. Duffy EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

MHW:kkd