

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

In the Matter of the General Investigation                    )  
to Examine Issues Surrounding Rate Design                ) Docket No. 16-GIME-403-GIE  
for Distributed Generation Customers                        )

**PETITION TO INTERVENE**

COMES NOW Brightergy, LLC (“Brightergy”), by and through its attorney, Andrew J. Zellers, and petitions the State Corporation Commission of the State of Kansas (the “Commission”) pursuant to K.S.A. 77-521 and K.A.R. 82-1-225 for permission to intervene in this proceeding with rights of full participation. In support of its Petition, Brightergy states as follows:

1. Brightergy is a Missouri limited liability company with its primary business address at 1712 Main Street, Kansas City, MO, 64108. Brightergy also has offices in St. Louis, Missouri, and Boston, Massachusetts.

2. Among other energy-related services, Brightergy designs and installs rooftop mounted distributed generation solar generation systems and efficiency projects, focused on the commercial and industrial market segment. Specifically, Brightergy’s customers include municipalities, school districts, private businesses, and churches.

3. Brightergy is active in the State of Kansas, having installed multiple solar distributed generation projects to Kansas customers. Brightergy remains active in Kansas, and continues to cultivate new client relationships.

4. On March 11, 2016, Staff filed its Motion to Open Docket, requesting that the Commission establish a docket to study various policy goals of distributed generation rates and regulations.

5. In Westar's most recent rate case in docket no. 15-WSEE-115-RTS, the Commission granted Brightergy limited intervention, and ordered some intervenors (the "Solar Parties") to collaborate in certain parts of the docket, and expressed its concerns regarding the orderly conduct of the proceeding.

6. In the context of a rate case, there are a number of issues unrelated to the interests of solar installers. In this docket, however, the issues are narrowed to "issues related to distributed generation-specific rates in the public utility's service area."<sup>1</sup>

7. In its Motion to Open Docket, Staff indicated its willingness to extend the examination to other issues related to distributed generation, such as different types of standby rates. Staff also noted its openness to "other potential rate designs," and that it was not attempting to identify an "exhaustive list of possibilities within the Scope of the Generic Docket."<sup>2</sup> It is very likely that the scope of the docket will expand, and the parties do not yet know what issues may come into play.

8. In this context, the individual interests of the intervenors will be more important. Brightergy focuses on larger-scale solar installations. Cromwell focuses on smaller residential and commercial projects, and TASC is a lobbying and interest group focused on the residential market and does not itself participate in solar development. Each party has unique interest which

---

<sup>1</sup> Order Approving Stipulation and Agreement, ¶117.

<sup>2</sup> Staff Motion to Open Docket p. 7.

cannot be represented by, another party, nor can those interests be conflated such that a joint presentation of issues would be practicable.

9. Staff has recommended that participation in the generic docket should be limited to participants with a direct Kansas nexus.<sup>3</sup> Brightergy agrees that the docket should be limited to issues directly related to Kansas.

10. Brightergy has established “nexus” in Kansas as that term is defined in the context of in personam jurisdiction of civil courts. “The Kansas long-arm statute specifically requires that the transaction of business... must be connected to the cause of action in question. This means there must be a “nexus” between a transaction in Kansas and the claim asserted for personal jurisdiction to be established in Kansas.” Kinder v. QI Enterprises, L.L.C., 344 P.3d 397 (Kan. App. 2015).

11. Brightergy has established nexus directly on point with the issues to be examined in this docket by virtue of its many installed solar distributed generation projects in the State of Kansas.

12. Notices may be sent to:

Andrew Zellers  
1712 Main Street, 6th Floor  
Kansas City, MO, 64108  
Email: [andy.zellers@brightergy.com](mailto:andy.zellers@brightergy.com)

13. Brightergy’s intervention will serve justice and will not result in delay or impair the orderly conduct of proceedings.

---

<sup>3</sup> Id.

WHEREFORE, Brightergy respectfully moves the Commission for an Order allowing it to intervene in this docket and to become a party of record with all rights to have notice and fully participate in this matter, including, but not limited to, the right to file briefs and motions, to participate in argument, to conduct discovery, and to participate in the evidentiary hearing, and for all other necessary and proper purposes.

Dated April 22, 2016

Respectfully submitted,

/s/ Andrew J. Zellers

Andrew J. Zellers #24757

General Counsel/Vice President for Regulatory Affairs

Brightergy, LLC

1712 Main Street, 6th Floor

Kansas City, MO, 64108

(816) 866-0555 Telephone


(816) 511-0822 Fax

Email: [andy.zellers@brightergy.com](mailto:andy.zellers@brightergy.com)

**VERIFICATION**

STATE OF MISSOURI            )  
                                          )  
COUNTY OF JACKSON        )        ss:

Andrew J. Zellers, being duly sworn upon his oath deposes and says he is the attorney for Brightergy, LLC, that he is familiar with the foregoing Petition, that the statements therein are true and correct to the best of his knowledge.

  
\_\_\_\_\_  
Andrew J. Zellers

Subscribed and sworn to me this 22nd day of April, 2016

  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 5-12-17



## CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 2015, the foregoing Petition was electronically filed with the Kansas Corporation Commission and that an electronic copy was delivered to each party on the service list.

*/s/ Andrew J Zellers* \_\_\_\_\_  
Andrew J. Zellers