

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of a General Investigation of )  
Kansas City Power & Light Company's All ) Docket No. 16-GIME-576-GIE  
Electric Residential Rates. )

**PETITION TO INTERVENE**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and petitions the Corporation Commission of the State of the Kansas ("Commission") for intervention in the above-captioned case pursuant to K.S.A. 66-1223 and K.S.A. 77-521(a). In support of its petition, CURB states and alleges as follows:

1. On June 21, 2016, the Kansas Corporation Commission opened a general investigation docket to examine Kansas City Power and Light Company's all-electric residential heating rates.
2. CURB is composed of five volunteer board members.<sup>1</sup>
3. CURB has specific statutory authority to "represent residential and small commercial ratepayers before the state corporation commission"<sup>2</sup> and to "function as an *official intervenor in cases* filed with the state corporation commission."<sup>3</sup> CURB's authority and role as the official intervenor in cases filed with the Commission has been recognized by the Kansas Supreme Court.<sup>4</sup>

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<sup>1</sup>K.S.A. 66-1222(a).

<sup>2</sup>K.S.A. 66-1223(a).

<sup>3</sup>K.S.A. 66-1223(b).

<sup>4</sup>K.S.A. 66-1223(b). See, *Citizens' Utility Ratepayer Board v. Kansas Corporation Comm'n*, 24 Kan. App.2d 63, 68, rev. den. 262 Kan. 959 (1997) ("*CURB v. KCC*"). See also, *Farmland Industries, Inc. v. Kansas Corp. Comm'n*, 29 Kan.App.2d 1031, 1047-48, 37 P.3d 640 (2001) ("The bulk of current customers otherwise entitled to receive refunds are statutorily represented by CURB. See K.S.A. 66-1223(a)")

CURB also has specific statutory authority to seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers.<sup>5</sup>

4. CURB's express statutory authority referenced above reflects the intent of the Legislature that CURB should participate in cases filed with the Commission. This fulfills the requirement under K.S.A. 77-521(a)(2) because CURB "qualifies as an intervener under any provision of law."

5. The residential and small commercial ratepayers whose interests CURB represents will be bound by any Commission order or activity in this proceeding. The rates paid and the services received by residential and small commercial ratepayers may be substantially affected by any Commission order or activity in this proceeding.

6. The representation of CURB's interests in this proceeding by existing parties is inadequate. No other party to this proceeding is authorized to (a) represent residential and small commercial ratepayers before the Commission, (b) function as the statutory official intervenor in cases filed with the Commission, or (c) seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers. While Commission Staff may have authority to investigate, evaluate, testify and offer exhibits on behalf of the *general public* pursuant to a definition contained in a Commission regulation,<sup>6</sup> Staff does not represent residential and small commercial ratepayers and is expressly denied the right to appeal Commission orders.<sup>7</sup>

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<sup>5</sup> K.S.A. 66-1223.

<sup>6</sup> Staff's authority to represent the general public is not specifically authorized by statute, but merely referenced in the definition section of Commission regulations. K.A.R. 82-1-204(q) ("Technical staff may conduct investigations and otherwise evaluate issues raised, and may testify and offer exhibits on behalf of the *general public*." (emphasis added).

<sup>7</sup> K.A.R. 82-1-204(i)(3).

7. Accordingly, CURB has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party. Pursuant to K.S.A. 77-521(a)(2), CURB qualifies as an intervenor (a) under provision of law and (b) because the rights, duties, privileges, immunities, or other legal interests of residential and small commercial ratepayers may be substantially affected by this proceeding.<sup>8</sup>

8. CURB's requested intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.<sup>9</sup>

9. CURB therefore requests that the Commission grant CURB's Petition to Intervene and participate fully in this docket, including but not limited to the right to conduct discovery, file pleadings and testimony, present oral argument, and fully participate in any scheduled hearings.

10. 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](mailto: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](mailto:d.smith@curb.kansas.gov)

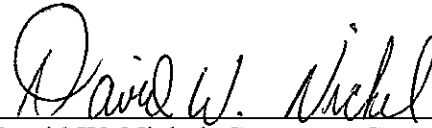
WHEREFORE, CURB respectfully requests the Commission grant its Petition for Intervention in this Docket.

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<sup>8</sup> K.S.A. 77-521(a)(2).

<sup>9</sup> K.S.A. 77-521(a)(3).

Respectfully submitted,

A handwritten signature in cursive script that reads "David W. Nickel". The signature is written in black ink and is positioned above a horizontal line.

David W. Nickel, Consumer Counsel #11170

Thomas J. Connors, Attorney #27039

Citizens' Utility Ratepayer Board

1500 SW Arrowhead Road

Topeka, KS 66604

(785) 271-3200

(785) 271-3116 Fax

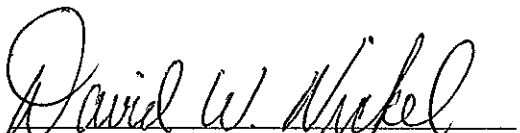
[d.nickel@curb.kansas.gov](mailto:d.nickel@curb.kansas.gov)

[tj.connors@curb.kansas.gov](mailto:tj.connors@curb.kansas.gov)

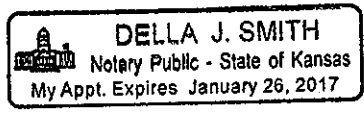
**VERIFICATION**

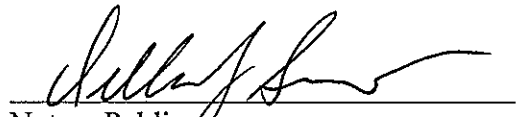
STATE OF KANSAS                    )  
  )  
COUNTY OF SHAWNEE            )        ss:

I, David W. Nickel, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
David W. Nickel

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of September, 2016.

  
DELLA J. SMITH  
Notary Public - State of Kansas  
My Appt. Expires January 26, 2017

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

My Commission expires: 01-26-2017.

**CERTIFICATE OF SERVICE**

16-GIME-576-GIE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 22<sup>nd</sup> day of September, 2016, to the following parties:

GLEND A CAFER, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
[glenda@caferlaw.com](mailto:glenda@caferlaw.com)

TERRI PEMBERTON, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
[terri@caferlaw.com](mailto:terri@caferlaw.com)

ROBERT J. HACK, LEAD REGULATORY  
COUNSEL  
KANSAS CITY POWER & LIGHT  
COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST  
(64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
[ROB.HACK@KCPL.COM](mailto:ROB.HACK@KCPL.COM)

DARRIN R. IVES, SENIOR DIRECTOR,  
REGULATORY AFFAIRS  
KANSAS CITY POWER & LIGHT  
COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST  
(64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
[darrin.ives@kcpl.com](mailto:darrin.ives@kcpl.com)

ROGER W. STEINER, CORPORATE  
COUNSEL  
KANSAS CITY POWER & LIGHT  
COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST  
(64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
[roger.steiner@kcpl.com](mailto:roger.steiner@kcpl.com)

ANDREW J. ZELLERS, GEN COUNSEL/VP  
REGULATORY AFFAIRS  
BRIGHTERGY, LLC  
1712 MAIN ST 6TH FLR  
KANSAS CITY, MO 64108  
[andy.zellers@brightergy.com](mailto:andy.zellers@brightergy.com)

MARY TURNER, DIRECTOR,  
REGULATORY AFFAIR  
KANSAS CITY POWER & LIGHT  
COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST  
(64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
[MARY.TURNER@KCPL.COM](mailto:MARY.TURNER@KCPL.COM)

JAMES G. FLAHERTY, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 S HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)

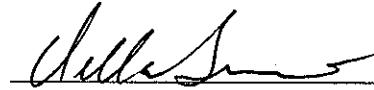
SAMUEL FEATHER, OFFICE OF GENERAL  
COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
[s.feather@kcc.ks.gov](mailto:s.feather@kcc.ks.gov)

ROBERT VINCENT, LITIGATION  
COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
[r.vincent@kcc.ks.gov](mailto:r.vincent@kcc.ks.gov)

ROBERT V. EYE, ATTORNEY AT LAW  
KAUFFMAN & EYE  
4840 Bob Billings Pkwy, Ste. 1000  
Lawrence, KS 66049-3862  
[BOB@KAUFFMANEYE.COM](mailto:BOB@KAUFFMANEYE.COM)

JUDY JENKINS  
KANSAS GAS SERVICE, A DIVISION OF  
ONE GAS, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2634  
[judy.jenkins@onegas.com](mailto:judy.jenkins@onegas.com)

DAVID L. WOODSMALL  
WOODSMALL LAW OFFICE  
308 E HIGH ST STE 204  
JEFFERSON CITY, MO 65101  
[david.woodsmall@woodsmalllaw.com](mailto:david.woodsmall@woodsmalllaw.com)



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Della Smith  
Administrative Specialist