

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Great Plains)
Energy Incorporated for Approval of its Merger) File No. EM-2018-0012
with Westar Energy, Inc.)

NOTICE OF DEFICIENCY REGARDING SECOND MOTION TO INTERVENE

Issue Date: January 10, 2018

On October 23, 2017, the Federal Executive Agencies (“FEA”) filed a motion to intervene out of time in this proceeding. The attorney filing the motion on behalf of FEA stated that he is not licensed to practice law in the State of Missouri, but requested that intervention be granted pending approval of a future petition for leave to appear *pro hac vice*. On November 6, 2017, the Commission issued a notice that it cannot take any action on the FEA motion for intervention until FEA is represented by an attorney in compliance with Commission Rule 4 CSR 240-2.040(3), which sets out requirements for visiting attorneys from other states who wish to appear before the Commission.

On January 9, 2018, FEA filed a second intervention request, stating reasons why intervention by FEA would be appropriate and why the FEA attorneys should be allowed to participate in this matter in compliance with Commission Rule 4 CSR 240-2.040(3), including a copy of a receipt from the Supreme Court of Missouri for the fee required by Supreme Court Rule 6.01(m). However, the FEA motion for intervention asks that its designated Missouri counsel, Major Schmidt, not receive any filings in this case and was not accompanied simultaneously with an entry of appearance by Major Schmidt as an

attorney of record as required by Commission Rule 4 CSR 240-2.040(3)(C)3.

FEA appears to be making good faith attempts to comply with the Commission's rules to appear before the Commission and intervene as a party in this proceeding. But FEA continues to request intervention before being granted permission to appear and participate in this case, as the Commission specifically stated is necessary in its notice issued on November 6, 2017. FEA should make its request to appear before the Commission under Commission Rule 4 CSR 240-2.040(3), which must be granted before the Commission can take any action on FEA's pending motion for intervention under Commission Rule 4 CSR 240-2.075. The Commission notes that FEA's designated Missouri attorney must enter an appearance as an attorney of record and will receive docket filings in this matter. As required by Supreme Court Rule 9.03(c)(3), the Missouri attorney must sign all pleadings and briefs and be present at all hearings, unless excused by the presiding officer.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris Woodruff
Secretary

Michael Bushmann, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 10th day of January, 2018.