

**STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Tariffs of Aquila, Inc.,)	
d/b/a Aquila Networks - MPS and Aquila)	
Networks - L&P Increasing Electric Rates)	Case No. ER-2007-0004
for the Services Provided to Customers in)	
the Aquila Networks - MPS and Aquila)	
Networks - L&P Service Area.)	

APPLICATION TO INTERVENE

COMES NOW the **County of Jackson, Missouri ("Jackson County")** pursuant to 4 C.S.R. 240-2.075 of the Rules of Practice and Procedure, and for its late filed Application to Intervene states:

1. The County of Jackson, Missouri is a political subdivision of the State of Missouri served by Aquila, Inc. d/b/a Aquila Networks - MPS ("Aquila").
2. Correspondence, communications, orders and decisions in this matter should be addressed to:

Jeremiah D. Finnegan, Esq.
FINNEGAN, CONRAD & PETERSON, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111

3. Aquila is an electrical corporation as defined in Section 386.020, RSMo. Supp., and as such is subject to the jurisdiction, supervision and control of the Commission for the distribution of electricity in certain portions of the State of Missouri, including Jackson County, Missouri.

4. The case was established on July 3, 2006 when Aquila submitted to the Commission proposed tariff sheets intended to implement a general rate increase for electrical service provided to its Missouri customers, including such customers located within the boundaries of Jackson County.

5. Applicant is generally opposed to an increase in electric rates for itself as a customer and on behalf of residents and businesses located within its boundaries unless justified as reasonable and lawful after notice and an opportunity to be heard.

6. The granting of the proposed intervention would serve the public interest and the Applicant is a political subdivision of the State of Missouri. Applicant has been granted intervenor status in several prior Aquila rate cases and has been an active participant.

7. On July 5, 2006, the Commission entered an order setting July 25, 2006 as the intervention deadline. Applicant realizes that this application is therefore untimely.

8. Although notice of this case was received by Jackson County before July 5th, because of the plethora of utility rate cases, which have been filed affecting the utility rates in Jackson County, a situation over which Jackson County had no control and, therefore, for which funds had not been budgeted. It was thus necessary for the Legal Department to seek transfers of funding from other areas of the County budget in order to participate in the previously filed KCP&L case (ER-2006-0314) and the MGE case (GR-2006-0422). As the Commission will recall, such search for alternative funding was the reason for the County's need to file a late filed intervention in the MGE case, since such alternative funding was much more difficult to locate and obtain after already finding funds elsewhere for the KCP&L rate case. The Commission found that Jackson County's pleadings in the MGE case had

satisfied the Commission rule and granted the County's late filed intervention. With the Aquila rate case being the third rate case filed affecting Jackson County, it was even more difficult and took much longer to locate other sources of funds, which had become even more scarce. Furthermore, once such source of funding was located, it was necessary to obtain the necessary approval of the appropriate county officials, i.e., County Executive and Director of Division of Finance for Jackson County, before the County Counselor could authorize the filing of an application to intervene. Unfortunately, this process was not completed until today so that until a few hours ago the County Counselor was unable to authorize the filing this application on a timely basis.

9. Jackson County is a substantial user of electricity in its own operations and seeks to participate on its own behalf and on behalf of and its residents and businesses whom it represents, all of which would be adversely impacted by the proposed increase in electric rates. Jackson County is generally concerned with the amount of the requested increase and with a fair rate design for distributing the proposed increase among the various customer classes within its corporate boundaries. Jackson County has an interest in the outcome of this proceeding, and an interest different from that of the general public located outside of Jackson County.

10. Granting the proposed intervention would serve the public interest. This application is not filed for the purposes of delay, and if the Commission should grant this application, neither the parties nor the Commission will be prejudiced since applicant will take the case as it stands. At this time, there have been no hearings and direct testimony by Staff, Public Counsel and intervenors is not due to be filed until January 18, 2007, which

should leave sufficient time for any discovery the parties may intend with respect to Jackson County.

11. The Applicant for Intervention asserts that its intervention will be of assistance to the Commission in its deliberations on this subject, and should be accepted out of time for good cause shown, and in the interest of fairness and justice.

WHEREFORE, for the foregoing reasons, the County of Jackson respectfully requests that the Commission grant its Application to Intervene (Late Filed) in this matter.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

/s/ Jeremiah D. Finnegan

Jeremiah D. Finnegan

Mo. Bar #18416

3100 Broadway, Suite 1209

Kansas City, Missouri 64111

(816) 753-1122

Facsimile (816)756-0373

Internet: jfinnegan@fcplaw.com

ATTORNEYS FOR COUNTY OF JACKSON,
MISSOURI

ATTORNEY VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF JACKSON)

I, Jeremiah D. Finnegan, being first duly sworn, do hereby certify, depose and state that I am the attorney for the County of Jackson, Missouri, which seeks intervention in the above captioned proceeding before the Commission; that I have read the above and foregoing Application to Intervene and that allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.

/s/ Jeremiah D. Finnegan
Jeremiah D. Finnegan

Subscribed and sworn to before me, a Notary Public, this 12th day of September, 2006.

/s/ Angela Hedges
Notary Public

Commission No. 05402477
My Commission Expires:

August 15, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by e-mail to all parties of record.

Dated: September 12, 2006

/s/ Jeremiah D. Finnegan
Jeremiah D. Finnegan