

STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
Aquila, Inc. dba KCP&L Greater)
Missouri Operations Company for) HR-2009-0092
Approval to Make Certain Changes in)
its Charges for Steam Heating Ser-)
vice.)

APPLICATION TO INTERVENE WITHOUT PREJUDICE
OF AG PROCESSING INC, A COOPERATIVE

This application requests intervention in this proceeding for AG PROCESSING INC, A COOPERATIVE ("AGP"). Pursuant to 4 C.S.R. 240-2.075, but without prejudice to its pending appeals of the claimed merger, AGP applies to intervene and to become a party to this proceeding. In support, AGP states:

1. AGP is an agricultural cooperative and is a large manufacturer and processor of soybean meal, soy-related food products, and other grain products throughout the central and upper Midwest, including the State of Missouri. AGP is the largest cooperative soybean processing company in the world, the third-largest supplier of refined vegetable oil in the United States and the third-largest commercial feed manufacturer in North America.

2. AGP operates a major processing facility in St. Joseph, Missouri where it is believed to be the largest industrial steam customer of the purported applicant utility Aquila, Inc. ("Aquila") in the St. Joseph service area.

3. AGP's interest in proceedings affecting the rates, terms and conditions of steam and other utility services from Aquila, Inc. has been previously recognized by the Missouri Public Service Commission in permitting AGP's intervention in prior Aquila rate design and rate-related proceedings. AGP has actively participated in such cases.

4. Correspondence or communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

Stuart W. Conrad, Esq.
David L. Woodsmall
FINNEGAN, CONRAD & PETERSON, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111
Voice: (816) 753-1122
Fax: (816) 756-0373
E-mail: stucon@fcplaw.com

and to:

Mr. Gary Chesnut
Corporate Purchasing Manager
Ag Processing Inc.
12700 West Dodge Rd.
Omaha, NE 68154

5. On September 5, 2008 a filing was purportedly made on behalf of Aquila of proposed tariffs claiming to reflect an annual increase in steam revenue of roughly \$1.3 million. Initial investigation and review of these proposed tariffs and the accompanying materials indicates that the proposed increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, and not based on costs.

6. As the largest steam service customer supplied by Aquila, AGP's preliminary calculations indicate that its rates for steam service could increase significantly over the current rate levels were this proposed increase allowed.

7. Accordingly, AGP is vitally interested in issues that are or may be raised by or developed as a result of the investigation of Aquila's steam rate proposal including, without limitation: (1) the revenues which will or may be realized under such rates and the increase over revenues resulting from former rates in effect before the current filing; (2) the amount and prudence of expenses and purported matching revenues to be charged to the appropriate test period; and (3) the design and structure of rates needed to raise revenues sufficient to meet a proper cost of service for Missouri-American.

8. AGP will be bound or adversely affected by any Commission order in this proceeding. Because of the structure of the rate schedules under which Aquila sells industrial steam to AGP, and because of AGP's size and consistency of steam usage for production purposes, AGP is in the special position of representing its own interest that is direct, immediate, different from that of the general public, and that cannot adequately be represented by any other party. Therefore, it will aid the Commission and serve and protect the public interest that AGP be permitted to intervene in this proceeding to protect its interests.

9. For purposes of 4 C.S.R. 240-2.075(2), AGP states that it opposes the discriminatory and excessive pricing of

public utility services, including those provided by Aquila and therefore opposes the relief sought by Aquila in this proceeding.

WHEREFORE, AGP prays: (a) that it be permitted to intervene and be a party to this case with all rights to have notice of and participate in any proceedings and hearings to present evidence, to cross-examine witnesses, file briefs and present any argument, all without prejudice to its pending appeal in other forums that the order permitting the merger of Aquila is neither lawful nor reasonable; and (b) for all other relief to which AGP is entitled.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



Stuart W. Conrad Mo. Bar #23966
David L. Woodsmall Mo. Bar #40707
3100 Broadway, Suite 1209
Kansas City, Missouri 64111
(816) 753-1122
Facsimile (816) 756-0373
Internet: stucon@fcplaw.com

ATTORNEYS FOR AG PROCESSING INC.

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing pleading by First Class Mail or by electronic means on the persons shown on the service list maintained by the Secretary of the Commission on its EFIS system.

A handwritten signature in black ink, appearing to read "Stuart W. Conrad", written over a horizontal line.

Stuart W. Conrad, an attorney for
within applicant

Dated: September 16, 2008