

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Empire District Electric Compa-)	
ny's 2007 Utility Resource Filing)	EO-2008-0069
Pursuant to 4 CSR 240 - Chapter 22)	

**APPLICATION TO INTERVENE BY PRAXAIR, INC,
AND EXPLORER PIPELINE COMPANY**

COME NOW PRAXAIR, INC. ("Praxair") and EXPLORER PIPELINE COMPANY ("Explorer") (collectively "Industrials") pursuant to 4 C.S.R. 240-2.075 and apply to intervene herein and become parties hereto for all purposes in respect to the filing by Empire District Electric Company ("Empire") that is the subject matter of this case. In support, Industrials state:

1. Praxair is a large industrial electric customer of Empire. Praxair operates a major air liquefaction and constituent gas separation facility near Neosho, Missouri. Praxair is the successor in interest to the Linde Division of Union Carbide Corporation.

2. Through Praxair's own prior interventions and those of its predecessor, Praxair's interests in proceedings affecting the rates, terms and conditions of electric service from Empire have been previously recognized by the Missouri Public Service Commission in permitting Praxair's intervention in numerous rate design and electric rate proceedings concerning Empire, including without limitation the last series of Empire rate increase cases, Case Nos. ER-94-174, ER-95-279, ER-97-81/82,

and ER-2001-299, in the ultimately abandoned merger application of Empire and UtiliCorp United Inc. in Case No. EM-2000-369, and in Empire's last general rate cases, Case No. ER-2002-424, Case No. ER-2004-0570, in Case No. ER-2006-0315, and in Empire's Regulatory Plan, EO-2005-0263.

3. Explorer is a large industrial electric customer of Empire. Explorer operates a 1,400-mile pipeline system that transports liquid petroleum products including gasoline, diesel fuel and jet fuel from the Gulf Coast to the Midwest. Explorer is based in Tulsa, Okla., and also serves Houston, Dallas, Fort Worth, St. Louis and Chicago. Portions of Explorer's products pipeline extend through the service territory of Empire where Explorer has three electric-driven pumping stations. Explorer was an intervenor with Praxair in Empire's last general rate cases, Case No. ER-2004-0570, and Case No. ER-2006-0315, and in Empire's Regulatory Plan, Case No. EO-2005-0263.

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.
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

5. This case moves forward with respect to a September 6, 2007 filing by Empire in purported compliance with its obligations under Commission Rule 4 CSR 240, Chapter 22 to submit an integrated resource plan for review by the Commission and other parties. By Order of September 12, 2007, this case number was assigned to that filing and an intervention deadline for interested parties such as Industrials to seek intervenor status in the matter.

6. Industrials are interested in and may be directly affected by Empire's resource plans and choices. Praxair operates in a highly competitive commercial environment and increases to electric power costs have a decided effect upon Praxair's competitive position in its market. As a major interruptible electric customer of Empire, Praxair will be directly affected by the proposed increase and will be bound or adversely affected by any Commission order issued in this proceeding. Explorer is a FERC-regulated petroleum products pipeline and cannot pass cost increases to its own rates without further approvals. Because Empire provides electricity to Praxair on an interruptible basis under a separate contract and rate schedule and because of both companies' size and load factor, Industrials' interest is direct, immediate, unique, different from that of the general public, and will not or cannot adequately be represented by any other party. Therefore, it will aid the Commission and protect and advance the public interest that Industrials be permitted to intervene in

this proceeding to protect their interest which no other party is in a position properly to protect and adequately represent.

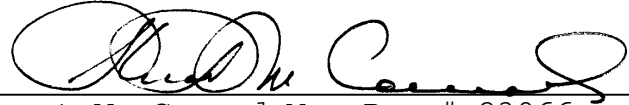
7. For purposes of 4 C.S.R. 240-2.075(2), Industrials state that they oppose the discriminatory and non-cost-based pricing of electricity and related utility services and also believe that utilities such as Empire should be required to rigorously examine all cost-effective options so that electrical energy is provided to the public generally and to these customers at economically efficient and competitive rates. Analysis of Empire's filing has just begun and Industrials may later indicate their position with respect to specific aspects of the filing.

WHEREFORE, Industrials request: (a) that they be permitted to intervene herein and be made parties hereto with all rights to have notice of and participate in hearings to present evidence, cross-examine witnesses, file briefs and participate in

argument, should any be had; and (b) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

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

Stuart W. Conrad Mo. Bar # 23966
David L. Woodsmall Mo. Bar # 40747
3100 Broadway, Suite 1209
Kansas City, Missouri 64111
(816) 753-1122
Facsimile (816) 756-0373
Internet: stucon@fcplaw.com

ATTORNEYS FOR PRAXAIR, INC. and
EXPLORER PIPELINE, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means, by United States Mail, First Class postage prepaid, or by hand delivery to all known parties in interest upon their respective representatives or attorneys of record as reflected in the records maintained by the Secretary of the Commission.



Stuart W. Conrad

Dated: September 21, 2007