

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

<b>Application of Kansas City Power &amp;</b>	)	
<b>Light Company for a Variance from</b>	)	
<b>the Provisions of 4 CSR 240-3.160</b>	)	<b>EE-2008-0259</b>
<b>Related to the Submission of a New</b>	)	
<b>Depreciation Study</b>	)	

**APPLICATION TO INTERVENE BY PRAXAIR, INC,**

COMES NOW PRAXAIR, INC. ("Praxair") pursuant to 4 C.S.R. 240-2.075 and applies to intervene herein and become a party hereto in respect to the February 8, 2008 request by Kansas City Power & Light Company ("KCPL") for a variance from the provisions of Commission Rule 4 CSR 240-3.160 concerning the filing of a depreciation study data base and property unit catalog in connection with the filing of its 2009 Rate Case associated with the anticipated completion of Iatan2. In support, Praxair respectfully states:

1. Praxair is a large industrial electric customer of Empire. Praxair operates a major air liquefaction and constituent gas separation facility in Kansas City in KCPL's service territory. 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 KCPL have been previously recognized by the Missouri Public Service Commission in permitting Praxair's intervention in prior

rate design and electric rate proceedings concerning KCPL, including the recently concluded regulatory plan case, EO-2005-0329, sometimes termed the "comprehensive energy plan" or "CEP" and numerous other cases.

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

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4. As an interruptible customer, Praxair's interest in the terms and conditions of service, and in KCPL's rates 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 Praxair be permitted to intervene in this proceeding to protect its interest which no other party is in a position properly to protect and adequately represent.

5. For purposes of 4 C.S.R. 240-2.075(2), Praxair states that it opposes the discriminatory and non-cost-based pricing of electricity and related utility services. Typically Praxair does not "drill down" in rate cases to the depreciation

study level, but because this filing appears intimately connected with the content of the expected 2008 and 2009 rate cases by KCPL, Praxair has an interest and potential concern in this matter.

WHEREFORE, Praxair prays: (a) that it be permitted to intervene herein and be made a party 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.



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ATTORNEYS FOR PRAXAIR, 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 through the EFIS system.

  
Stuart W. Conrad

Dated: February 18, 2008