

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of )  
Aquila, Inc. dba KCP&L Greater )  
Missouri Operations Company for ) ER-2009-0090  
Approval to Make Certain Changes in )  
its Charges for Electric Service )

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") but without prejudice its positions asserted in other forums regarding the validity of the merger of Aquila and Great Plains Energy. Subject to that reservation of right and pursuant to 4 C.S.R. 240-2.075 AGP applies to intervene and to become a party in 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 a major industrial electrical

customer of Aquila, Inc., d/b/a Aquila Networks L&P ("Aquila"). Upon information and belief, AGP is among the largest electric customers of Aquila in the L&P service territory.

3. AGP's interest in proceedings affecting the rates, terms and conditions of electricity from Aquila has been previously recognized by the Missouri Public Service Commission in permitting AGP's intervention in prior Aquila and St. Joseph Light & Power 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, 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](mailto: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 made in the name of Aquila of proposed tariffs that were stated to increase Aquila's for electric service by \$66 million in its MPS service area and \$17.1 million in its L&P area, or nearly \$83 million in

the aggregate. Although the tariffs affect different service areas, the filing has been combined.

6. AGP is vitally interested in this proposed tariff, in its terms and conditions, and its impact on ratepayers generally and upon AGP's operations in St. Joseph. As a major electric customer of Aquila, AGP is in a position to be directly affected by the proposed increases and may be bound or adversely affected by any Commission order issued in this proceeding. Because Aquila provides electricity to AGP under separate contracts or rate schedules and because of AGP's size and load factor, AGP is in the unique position of representing an interest which will not and cannot be represented adequately by any other party and which interest is direct and immediate and differs from that of the general public. Therefore, it will aid the Commission and protect and advance the public interest that AGP be permitted to intervene in this proceeding so as to protect its own interest.

7. For purposes of 4 C.S.R. 240-2.075(2), AGP states that it is opposed to discriminatory pricing of electricity and related utility services, and is opposed to increases that are not reasonable and are not related to prudent costs that are incurred by the utility in providing utility service. A more detailed statement of position and identification of issues with respect to the September 5, 2008 filing may be submitted follow-

ing a more extensive review of the tariff filing and the materials claimed to support such filing.

WHEREFORE, AGP prays (without prejudice to later requests for relief and to its positions in other proceedings including its pending appeal in which it is asserted that the order permitting the combination of Great Plains Energy and Aquila is neither lawful nor reasonable): (a) that AGP be permitted to intervene herein 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; (b) that a procedural schedule be adopted providing for the filing of exhibits and testimony; (c) that following an investigation the matter be set for hearing before the Commission in which the applicant utility shall be put to its proof regarding

the need for the proposed tariff and all aspects of its proposed methodology of recovery; and (d) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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

ATTORNEYS FOR AG PROCESSING INC., A  
COOPERATIVE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid or by electronic mail addressed to all parties by their attorneys of record as provided by the Secretary of the Commission.



Stuart W. Conrad

Dated: September 16, 2008