

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

<b>In the Matter of Empire District</b>	)	
<b>Electric Company's 2010 Utility</b>	)	
<b>Resource Filing Pursuant to CSR</b>	)	<b>EO-2011-0066</b>
<b>240-22</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. In support, Praxair respectfully states:

1. Praxair is a large industrial electric customer of Empire District Electric Company ("Empire"). Praxair operates a major air liquefaction and constituent gas separation facility near Neosho, Missouri in Empire'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 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.

3. On September 3, 2010, Empire filed its 2010 Integrated Resource Planning Filing ("IRP"). By its Order of

September 8, 2010, the Commission gave notice of this filing and established an intervention deadline and scheduled a conference.

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.  
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5. Praxair seeks intervention because it believes that it will or may be impacted by the outcome of this proceeding. As an interruptible customer, Praxair's interest in the terms and conditions of service is 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.

6. For purposes of 4 C.S.R. 240-2.075(2), Praxair states that it opposes discriminatory and non-cost-based pricing of electricity and related utility services and believes 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 Praxair at economically efficient

and competitive rates. Analysis of Empire's filing has just begun and Praxair may later indicate its position with respect to specific aspects of that filing.

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.



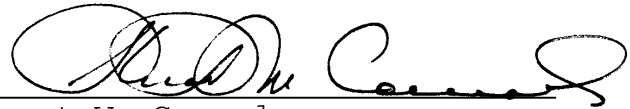
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ATTORNEYS FOR PRAXAIR, INC.

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 identified parties in interest through their respective representatives or attorneys of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.

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

Stuart W. Conrad

Dated: September 15, 2010