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

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In the Matter of the Consideration of Adoption of the PURPA Section 111(d)(17) Rate Design Modifications to Promote Energy Efficiency Investments Standard as Required by Section 523 of the Energy Independence and Security Act of 2007

EO-2009-0248

## 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. 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. On December 15, 2008, the Staff of the Commission Filed a Motion to Establish a Case, Provide Notice and Schedule a Prehearing Conference. By an Order on December 17, 2008, the Commission granted that Motion and established this case in a single order including Case Nos. EO-2009-0247, EO-2009-0248, EO-2009-0249 and EO-2009-0250.

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

71297.1

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

4. 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.

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,

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

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

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.

## 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: January 16, 2009