

**Ruth, Vicky**

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**From:** Banks, Eric Kendall [ebanks@thompsoncoburn.com]  
**Sent:** Friday, October 18, 2002 5:10 PM  
**To:** Multiple Recipients (E-mail)  
**Subject:** Motion to Intervene -Empire Electric Company



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

In the Matter of the Application of	)	
the Empire District Electric Company	)	
of Joplin, Missouri, for Authority to	)	
File Tariffs Increasing Rates for	)	Case No. ER-2002-424
Electric Service Provided to Customers	)	
in the Missouri Service Area of the	)	
Company	)	

**MOTION TO INTERVENE**

**COMES NOW**, Eric Kendall Banks of Thompson Coburn LLP who on behalf of Timothy M. Winter and A.G. Edwards & Sons, Inc. states:

1. On or about October 16, 2002, the Staff of the Missouri Public Service Commission (henceforth referred to as "Staff") filed its Motion for Issuance of Subpoena Duces Tecum Fewer than Twenty Days Before Hearing.

2. The undersigned received a copy of the aforementioned Motion on October 18, 2002.

3. The Motion requests that the Commission issue a subpoena duces tecum to A.G. Edwards & Sons, Inc. (henceforth referred to as "A.G. Edwards") employee Timothy M. Winter so that he can be deposed, and produce a number of A.G. Edwards' confidential and proprietary documents on October 23, 2002.

4. On October 17, 2002, Senior Regulatory Law Judge Vicky Ruth issued her Order Shortening Time In Which To Respond stating that any response to the Staff's Motion for Issuance of Subpoena Duces Tecum Fewer Than Twenty Days Before Hearing (henceforth referred to as "Staff's Motion") be filed no later than October 18, 2002. The undersigned received a copy of this Order this morning.

5. Mr. Winter's and A.G. Edwards' constitutional rights allow them to be represented by counsel in this matter even though they are not a formal party. Notwithstanding, to better protect the Commission's record, Mr. Winter and A.G. Edwards should be allowed to intervene for the limited purpose of addressing Staff's Motion and matters relating to it including, but not limited to, a Motion to Quash, Motion for Rehearing or Writ of Mandamus/Prohibition.

6. The Commission is authorized by 4 CSR 240-2.075 to authorize Intervention after the intervention date upon showing of good cause.

7. The information requested the Staff's Motion is overly broad and burdensome in that it would require the production of confidential and proprietary information and processes which would have no material bearing on the outcome of this proceeding.

8. Mr. Winter and A.G. Edwards have an interest which is different than that of the general public and their interests would be adversely affected and they will face prejudice, irreparable and immeasurable harm if their Motion to Intervene is not granted.

9. The public's interest would be served by this limited intervention since it would result in the integrity of the Commission's record being preserved as it recognizes Mr. Winter's and A.G. Edwards' right to due process.

**WHEREFORE**, for the aforementioned reasons, Mr. Winter and A.G. Edwards respectfully requests that they be allowed to intervene in the above styled matter for the

limited purpose of responding to Staff's Motion and the proceedings which may flow from it.

Respectfully submitted,

**THOMPSON COBURN LLP**

***Original Signed By***

By: \_\_\_\_\_

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**Attorney for Timothy M. Winter  
and A.G. Edwards & Sons, Inc.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served on Keith R. Kruger, Deputy General Counsel, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102; John Coffman, Office of the Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102 and James C. Swearengen, Brydon, Swearengen & England, P.O. Box 456, Jefferson City, Missouri 6502; Stuart W. Conrad, Finnegan, Conrad & Peterson, L.C. 3100 Broadway, Suite 1209, Kansas City, Missouri 64111 by sending a copy via first class mail, postage prepaid, this 18<sup>th</sup> day of October, 2002 and by faxing or E-Mailing them copies.

***Original Signed By***

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Eric Kendall Banks