

In The Matter of the Application of)
Aquila, Inc. for Approval of its)
Experimental Regulatory Plan and)
for a Certificate of Convenience)
and Necessity Authorizing it to)
Participate in the Construction,)
Ownership, Operation, Maintenance,)
Removal, Replacement, Control and) EO-2005-0257
Management of a Steam Electric)
Generating Station in Platte Coun-)
ty, Missouri, or alternatively for)
an Order specifically confirming)
that Aquila, Inc. has the requisite)
authority for said Generating Sta-)
tion Under its Existing Certifi-)
cate(s))

COMES NOW SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION (hereinafter SIEUA) and pursuant to 4 C.S.R. 240-2.075 and applies to intervene herein and become a party hereto for all purposes in respect to the filing by Aquila, Inc. on February 1, 2005. In support of this motion, SIEUA respectfully shows the following:

63354.1

2. Current members of SIEUA are as follows: **Pittsburgh Corning Corporation**, a manufacturer of cellular glass insulation at its manufacturing facility in Sedalia, Missouri where roughly 160 workers are employed; **Waterloo Industries**, a manufacturer of tool storage equipment and employer of approximately 650 workers at its manufacturing facility in Sedalia, Missouri; **Hayes Lemmerz International** employs roughly 800 workers at its Sedalia, Missouri facility where it manufactures automobile wheels; **EnerSys Inc.** employs approximately 500 persons in its industrial battery manufacturing facility in nearby Warrensburg, Missouri; **Alcan Cable Co.** manufactures aluminum electrical conductors and employs 250 persons in its Sedalia, Missouri operation; **Gardner Denver Corporation** employs 320 workers at its Sedalia works where it makes industrial compressors and blowers; **American Compressed Steel Corporation** employs 35 workers in scrap metal recycling at its facility near Sedalia, Missouri; and **ThyssenKrupp Stahl Company**, a major United States manufacturer of specialty and precision aluminum castings at facilities located in Warrensburg and Kingsville, Missouri, where approximately 1,100 workers are employed. Collectively, these SIEUA members provide gainful employment for approximately 3,815 workers in central Missouri. All are large industrial customers of Aquila, Inc.

3. SIEUA's interests in proceedings affecting the rates, terms and conditions of electric service from Aquila have

been previously recognized by the Missouri Public Service Commission in permitting SIEUA's intervention in numerous rate design and electric rate proceedings concerning Aquila and its predecessor UtiliCorp, including without limitation the last series of Missouri Public Service Co. rate increase cases and Aquila's ongoing load research and class cost of service case, No. EO-2002-384.

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.
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

5. On February 1, 2005, Aquila filed a proposed "regulatory plan" with the Commission seeking various authorities from the Commission including a certificate of convenience and necessity or a confirmation that such certificate was not needed. These requests appear to be in connection with ongoing discussions with Kansas City Power & Light concerning a potential electric generating station in Platte County, Missouri. The specifics, however, of this proposed "regulatory plan" are only vaguely defined by Aquila and, in fact, it is not entirely clear

what is sought save construction authority or confirmation that such authority already exists.

6. SIEUA members are vitally interested in this proposed "regulatory plan," vague though it be at this point, and in its terms and conditions, its impact on ratepayers generally and upon their operations specifically. As major electric customers of Aquila, SIEUA members are 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 SIEUA members on under separate contracts or rate schedules and because of SIEUA members' size and load factor, these companies are in the special and 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 SIEUA be permitted to intervene in this proceeding so as to protect its members' interest which no other party is in a position properly to protect and adequately represent.

7. For purposes of 4 C.S.R. 240-2.075(2), SIEUA states that it is opposed to discriminatory pricing of electricity and related utility services, 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, and is

concerned with an apparent rush of filings by several Missouri utilities of "regulatory plans" which seem at base intended somehow to evade or diminish public and regulatory review of such construction plans may result in the inclusion of generating capacity that may not be needed or at imprudent and excessive costs to ratepayers. Because Aquila's proposed plan is vague and not well articulated at this point insofar as the relief that Aquila is seeking, SIEUA is unable to state with greater specificity its precise position on such relief as may be requested. SIEUA does state that it does not favor alternative rate mechanisms that frustrate ratepayer and regulatory review or which shift the risk of proper utility operations to the shoulders of ratepayers.

WHEREFORE, SIEUA prays (without prejudice to later requests for relief as the specifics of Aquila's requests are clarified): (a) that SIEUA 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.

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

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

ATTORNEYS FOR SEDALIA INDUSTRIAL
ENERGY USERS' ASSOCIATION

February 18, 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means or by U.S. mail, postage prepaid addressed to all parties by their attorneys of record as provided in the records maintained by the Secretary of the Commission.



Stuart W. Conrad

Dated: February 18, 2005