

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the Application of	)	
Aquila Inc. for Permission and	)	
Approval and a Certificate of Pub-	)	
lic Convenience and Necessity Au-	)	
thorizing it to Acquire, Construct,	)	EA-2006-0309
Install, Own, Operate, Maintain,	)	
and Otherwise Control and Manage	)	
Electrical Production and Related	)	
Facilities in Unincorporated Areas	)	
of Cass County, Missouri Near the	)	
Town of Peculiar.	)	

**APPLICATION TO INTERVENE OF  
SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION**

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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 January 25, 2006 filing by Aquila, Inc. d/b/a Aquila Networks MPS ("MPS") to obtain a certificate of public convenience and necessity and other related authorizations in connection with the South Harper generating facility. In support of this motion, SIEUA respectfully shows the following:

1. SIEUA is an unincorporated voluntary association consisting of large commercial and industrial users of natural gas and electricity in the Sedalia, Missouri and in the surrounding area. SIEUA was formed for the purpose of economical representation of its members' interests through intervention and other activities in regulatory and other appropriate proceedings.

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.

3. SIEUA's interests in proceedings affecting the rates, terms and conditions of electric service from MPS 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 predeces-

sor UtiliCorp, including without limitation the last series of Missouri Public Service rate increase cases, ER-2005-0436 and ER-2004-0034, its recent load research and class cost of service case, Case No. EO-2002-384, and its most recent electric rate case, Case No. ER-2005-0436.

4. This application is timely pursuant to the Commission's January 26, 2006 Order and Notice.

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

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6. On January 25, 2006 Aquila applied for a certificate of public convenience and necessity and certain other authorizations in connection with its already-constructed South Harper generating facility in Cass County, Missouri. The issues connected with this generating facility have been of concern for many months and its survival remains uncertain. Any decision to permit or deny the requested certificate will have impact on future rates that MPS seeks to charge these applicants.

7. SIEUA members are interested in this proposed application, its terms and conditions, and its impact on

ratepayers generally and upon their operations specifically. As major electric customers of MPS, SIEUA members are in a position to be affected by the relief sought and may be bound or adversely affected by any Commission order issued in this proceeding. Because MPS 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.


8. For purposes of 4 C.S.R. 240-2.075(2), SIEUA states that it has concerns regarding the permitting, financing and survival of this gas-fired generating facility and the sequence of events that lead to this point. Moreover, utility ratepayers are not understood by SIEUA to be the ultimate guarantors of a utility's financial health. Utility management should be accountable to its shareholders for the proper and prudent management of the assets that they have provided for public service. A more detailed statement of position and identification of issues with respect to the January 25, 2006 application

may be submitted following a more extensive review of the filing and the materials claimed to support such filing.

WHEREFORE, SIEUA prays (without prejudice to later requests for relief): (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; (b) that a procedural schedule be adopted providing for a hearing and the filing of exhibits and testimony; (c) that following such investigation the matter be set for hearing before the Commission in which the applicant utility's application should be fairly and comprehensively examined; and (d) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR SEDALIA INDUSTRIAL  
ENERGY USERS' ASSOCIATION

February 23, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading 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.

  
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Stuart W. Conrad

Dated: February 23, 2006