

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>4</sup>

NOV 29 2005

Missouri Public  
Service Commission

In the Matter of the Joint Application of )  
Aquila, Inc., d/b/a Aquila Networks – MPS )  
and Aquila Networks – L&P (“Aquila”), )  
The Empire District Gas Company (“EDG”) )  
and The Empire District Electric Company )  
 (“EDE”) for an Order Authorizing the Sale, )  
Transfer and Assignment of Certain Assets )  
and Liabilities from Aquila to EDG and in )  
Connection Therewith Certain Other )  
Related Transactions. )

Case No. GO-2006-0205

APPLICATION TO INTERVENE  
OF  
CORNERSTONE ENERGY, INC.

COMES NOW Cornerstone Energy, Inc. (“CEI”), pursuant to Commission Rule 4 CSR 240-2.075 and the Commission’s *Order and Notice* issued in this matter on November 10, 2005, and applies to intervene and to become a party herein. In support thereof, CEI respectfully states as follows:

1. CEI is a Nebraska corporation duly authorized to do business in Missouri. CEI is a natural gas marketer whose principal place of business is located at 11011 “Q” Street, Suite 106A, Omaha, Nebraska 68137.
2. All communications, correspondence, pleadings, orders and decisions regarding this proceeding should be directed to:

James M. Fischer  
Larry W. Dority  
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Richard Haubensak  
Cornerstone Energy, Inc.  
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Omaha, NE 68137  
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3. On or about November 8, 2005, Aquila, Inc. d/b/a Aquila Networks-MPS and Aquila Networks-L&P ("Aquila"), The Empire District Electric Company ("EDE") and The Empire District Gas Company ("EDG") (hereinafter "Joint Applicants") filed their Application with the Missouri Public Service Commission seeking authority to sell, transfer and assign certain assets and liabilities from Aquila to EDG. Pursuant to the Commission's *Order and Notice* issued November 10, 2005, any interested person wishing to intervene in the case shall file an application to intervene with the Secretary of the Commission on or before November 30, 2005.

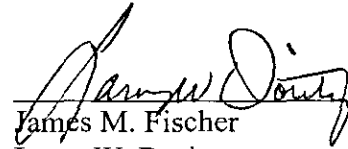
4. CEI is a major marketer of natural gas to industrial and commercial customers on Aquila's Missouri natural gas distribution system which is composed of the assets and liabilities that Aquila seeks to transfer to EDG. CEI provides valuable natural gas supply and price risk management services to its customers located on the aforementioned system and CEI and its customers rely heavily on the transportation tariff rate and the performance of the operator of the natural gas distribution in question to provide this service. To the best of CEI's knowledge, EDG has no prior experience operating natural gas distribution systems of this magnitude. Accordingly, CEI and its customers have a unique pecuniary interest in this case which is different from that of the general public and which may be adversely affected by a final order arising from this case. In addition, the inclusion of CEI's interests and expertise in this matter will serve

the public interest. Finally, no other party to this proceeding will adequately protect CEI's interests.

5. In accordance with 4 CSR 240-2.075(2), at this time CEI is unsure of the position it will take in this proceeding.

WHEREFORE, Cornerstone Energy, Inc. respectfully requests the Commission to grant its Application to Intervene, together with any further and/or additional relief the Commission deems just and proper.

Respectfully submitted,

  
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Attorneys for Cornerstone Energy, Inc.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 29th day of November, 2005, to:


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