

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

In the matter of the Application of)	
Aquila, Inc. Heat Rate Testing and)	
Scheduling Proposal Pursuant to its)	EO-2008-0156
Authorized Rate Adjustment Mecha-)	
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**CONDITIONAL AND LATE-FILED APPLICATION TO INTERVENE
BY AG PROCESSING INC A COOPERATIVE AND
SEDALIA INDUSTRIAL ENERGY USERS ASSOCIATION**

This application requests intervention in this proceeding for AG PROCESSING INC, A COOPERATIVE ("AGP") and the SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION ("SIEUA") (collectively "Applicants"). Pursuant to 4 C.S.R. 240-2.075 Applicants conditionally apply to intervene and to become parties in this proceeding. In support, Applicants state:

1. AGP is an agricultural cooperative and is a large manufacturer and processor of soybean meal, soy-related food products, and other grain products throughout the central and upper Midwest, including the State of Missouri. AGP is the largest cooperative soybean processing company in the world, the third-largest supplier of refined vegetable oil in the United States and the third-largest commercial feed manufacturer in North America.

2. AGP operates a major processing facility in St. Joseph, Missouri where it is a major industrial electrical customer of Aquila, Inc., d/b/a Aquila Networks L&P ("Aquila"). Upon information and belief, AGP may be the largest electric customer of Aquila in the L&P service territory.

3. AGP's interest in proceedings affecting the rates, terms and conditions of electricity from Aquila has been previously recognized by the Missouri Public Service Commission in permitting AGP's intervention in prior Aquila and St. Joseph Light & Power rate design and rate-related proceedings. AGP has actively participated in such cases.

4. 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.

5. 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 compres-

sors and blowers; **American Compressed Steel Corporation** employs 35 workers in scrap metal recycling at its facility near Sedalia, Missouri; and **Stahl Manufacturing 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.

6. 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 predecessor UtiliCorp, including without limitation the last series of Missouri Public Service rate increase cases, its ongoing load research and class cost of service case, Case No. EO-2002-384, in Case No. ER-2004-0034 and in the next prior electric rate case, Case No. ER-2005-0436 and in the most current Aquila general rate case, Case No. ER-2007-0004.

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

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8. In its May 17, 2007 Report and Order in Case No. ER-2007-0004, the Commission directed Aquila to complete a heat rate and/or efficiency schedule and testing plan. Aquila responded by filing a motion to establish this case and a plan and procedures for which approval is requested.

9. Applicants were active parties to Case No. ER-2007-0004 and were under the impression that, because of the nature of this proceeding, their intervention in that proceeding was continued into this case. However, review of the filing and earlier notices and order has not yet confirmed that status, hence this application which is **conditional** in that, if Applicants are already parties by reason of their earlier participation in Case No. ER-2007-0004, this Application may be disregarded as moot; otherwise its consideration is respectfully requested.

10. The Commission's November 14, 2007 order establishing a date for filing intervention of December 5, 2007 was not received by undersigned counsel until the week during which counsel was in Jefferson City at the hearing in Case No. EM-2007-0374. Upon return to his office on the afternoon of December 7, counsel discovered this order in his mail and has put this conditional pleading before the Commission as soon as possible. Indeed, counsel has been involved in some of the earlier discussions in this case and may also have incorrectly assumed that his clients were parties because of that involvement. It is believed that no significant events have occurred in our absence and this

Application, though technically two days late, will not result in delay or complication of the proceeding.

11. For purposes of 4 C.S.R. 240-2.075(2), Applicants state that they are opposed to discriminatory pricing of electricity and related utility services, oppose increases that are not reasonable and are not related to prudent costs that are incurred by the utility in providing utility service, and oppose a utility being permitted to earn what may be an unreasonably high rate of return in order to extricate itself from a financial situation of its own making. Moreover, as regards the fuel adjustment mechanism, it is important that appropriate performance standards be developed so that ratepayers are not made unwilling insurers of the operations of the utility.

WHEREFORE, Applicants pray (without prejudice to later requests for relief): (a) that they be permitted to intervene herein and be made parties 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.



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ATTORNEYS FOR APPLICANTS

December 7, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene 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.



Stuart W. Conrad

Dated: December 7, 2007