

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

In the Matter of the First Prudence Review of)	
Costs Subject to the Commission-Approved Fuel)	
Adjustment Clause of Aquila, Inc., d/b/a KCP&L)	Case No. EO-2009-0115
Greater Missouri Operations Company)	

EMPIRE’S APPLICATION TO INTERVENE

COMES NOW The Empire District Electric Company (“Empire”), by counsel and pursuant to 4 CSR 240-2.075, and for its application to intervene in the above-captioned proceeding, respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri, 64801. Empire is engaged in the business of providing electrical and water utility services to customers in its Missouri service areas. Empire is an “electrical corporation,” a “water corporation,” and a “public utility” as those terms are defined in RSMo. §386.020, and is subject to the jurisdiction and supervision of the Commission as provided by law.

2. Other than complaint cases on file with the Commission and the appellate cases listed herein, Empire has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this application. Empire is currently involved in the following court cases: Case No. SC89176 (Missouri Supreme Court), Case No. 08AC-CC00811 (Cole County Circuit Court), and Case No. 08AC-CC00812 (Cole County Circuit Court). Empire has no overdue Commission annual reports or assessment fees. Empire’s documents of incorporation previously were filed with the Commission in Case No. EF-94-39, and said documents are incorporated herein by reference.

3. Communications relating to this application and proceeding should be directed to the undersigned counsel.

4. On September 26, 2008, the Staff of the Commission filed a notice indicating that it had started the prudence audit of the fuel adjustment clause (“FAC”) established by the Commission for Aquila, Inc., d/b/a KCP&L Greater Missouri Operations Company (“Aquila”), in Aquila’s last rate case (ER-2007-0004).

5. By the Commission’s Order Directing Notice and Establishing Intervention Date issued September 29, 2008, the Commission established an intervention deadline of October 29, 2008. Therefore, this application is being timely filed herein.

6. Empire should be allowed to intervene in this proceeding, because Empire has an interest that is different from that of the “general public” which may be adversely affected by a final order in this case and because granting intervention to Empire would serve the public interest. This proceeding is the first of its kind in Missouri. As noted in Staff’s Notice of Start of Prudence Audit, this proceeding involves the first prudence audit of a fuel and purchased power adjustment mechanism authorized by RSMo. §386.266. Further, Staff asserts that it may change its audit approach during this proceeding and in future prudence audits. As an electrical corporation under the jurisdiction of the Commission and as a Missouri utility with a Commission-approved FAC (Case No. ER-2008-0093), Empire’s interest in this matter is unique. Empire’s status as a Missouri public utility and Empire’s direct specific interests in the subject of this proceeding indicate that its intervention would serve the public interest.

7. Empire has reviewed Staff’s Notice of Start of Prudence Audit, but cannot yet state precisely what its positions will be in this proceeding. Upon review of Staff’s audit and other filings and discovery responses herein, Empire will be able to state its position in this

matter. A detailed statement of position and identification of issues with respect to this proceeding may be submitted by Empire in accordance with any procedural schedule.

WHEREFORE, for the reasons stated herein, Empire respectfully requests that the Commission issue an order permitting it to intervene in this case with full rights as a party hereto.

Respectfully submitted,

/s/ Diana C. Carter

James C. Swearengen MBE #21510

Diana C. Carter MBE #50527

BRYDON, SWEARENGEN & ENGLAND P.C.

312 E. Capitol Avenue

P. O. Box 456

Jefferson City, MO 65102

Phone: (573) 635-7166

Fax: (573) 634-7431

DCarter@brydonlaw.com

ATTORNEYS FOR THE EMPIRE
DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission to all counsel of record on this 13th day of October, 2008.

/s/ Diana C. Carter