

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

In the Matter of Missouri Gas Energy and)	
Its Tariff Filing to Implement a General Rate)	File No. GR-2009-0355
Increase for Natural Gas Service)	Tariff No. YG-2009-0714

APPLICATION TO INTERVENE OUT OF TIME

COMES NOW the City of Kansas City, Missouri (hereinafter sometimes the “City”), pursuant to 4 CSR 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene respectfully states:

1. The City of Kansas City, Missouri, is a municipality of the State of Missouri.
2. Correspondence, communications, orders and the decision in this matter should be

addressed to:

William D. Geary
Assistant City Attorney
2700 City Hall
414 E. 12th St.
Kansas City, MO 64106
Telephone No.: 816/513 3118
Fax No.: 816/513 3133

Mark W. Comley
NEWMAN, COMLEY & RUTH P.C.
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Jefferson City, MO 65102-0537
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3. This case arose when Missouri Gas Energy submitted proposed tariff sheets to the Commission which intended to implement a general rate increase for gas service provided to customers in the Missouri service area of the company. On April 6, 2009 the Commission issued a suspension order and notice directing that interested parties wishing to intervene must do so on or

before April 27, 2009.

4. The City is not a direct recipient of notices pertaining to rate relief filings by MGE. Even though a City department knew of MGE's present filing, through honest error and innocent inadvertence, the City did not timely authorize the filing of this request to intervene. Immediately upon notice that it was not a party to the instant case, the City advised counsel to file this application. Failing to meet the intervention deadline was not for purposes of delay but rather due to circumstances which the City asks the Commission to deem excusable.

5. The City has an interest in this proceeding that is different from that of the general public. Aside from the fact that the City is itself a major consumer of gas supplied by MGE, the City, through the Property Preservation Division of the Housing and Community Development Department, administers a "Weatherization Program" in a civic partnership with MGE. The City has appeared in previous MGE rate cases and has described to the Commission the benefits of this program and the City's role in administering it. The City asserts that continuation and improvement of the Weatherization Program is a matter of public importance and the City's intervention in this proceeding will serve the public interest.

6. If the Commission should grant this application, neither the parties nor the Commission will be prejudiced since the City must accept the case in its current state. The Commission has approved a procedural schedule under which the first round of direct testimony of non-MGE parties is due August 21, 2009. The interval of time is therefore adequate for any discovery the other parties may wish to serve on the City.

7. In the interest of present expediency, the City has not canvassed the other intervening parties, the Staff or Public Counsel, on whether they will object to the City's application. However,

the City has contacted MGE and its attorneys, and the City is authorized to represent that MGE has no objection to the City's request to intervene out of time.

8. The City asserts that its participation in this case will assist the Commission in its understanding and disposition of the issues and that good cause exists for its intervention out of time.

9. The City has not yet adopted a position on the relief requested by MGE in this case.

WHEREFORE, for the foregoing reasons, the City of Kansas City, Missouri, respectfully requests that the Commission grant its Application to Intervene out of time in this matter, and thereby entitle the City to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the arguments, and in all other respects fully participate in this proceeding.

Respectfully submitted,

/s/ Mark W. Comley

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Attorneys for City of Kansas City, Missouri

ATTORNEY VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for The City of Kansas City, Missouri which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.

/s/ Mark W. Comley

Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 2nd day of June, 2009.

/s/ Annette M. Borghardt

Notary Public for Cole County, MO

M.C.E. 3/11/2010; Commission # 06436657

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via email on this 2nd day of June, 2009, to:

General Counsel at gencounsel@psc.mo.gov;
Public Counsel at opcservice@ded.mo.gov;
Lera Shemwell at lera.shemwell@psc.mo.gov;
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/s/ Mark W. Comley