

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

In the Matter of the Application of The Empire District) Electric Company for Authority to Transfer Functional) Control of Certain Transmission Assets to the) Southwest Power Pool, Inc.)	Case No. EO-2006-0141
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APPLICATION TO INTERVENE OF MIDWEST ISO

Midwest Independent Transmission System Operator, Inc. (“Midwest ISO”) respectfully submits this Application to Intervene in this proceeding pursuant to Commission Rule 2.075, 4 CSR 240-2.075. In support of this Application, Midwest ISO states:

1. Midwest ISO is a Delaware not-for-profit corporation authorized to conduct business in Missouri with its principal place of business at 701 City Center Drive, Carmel, Indiana 46032.

2. The Midwest ISO is a regional transmission organization (RTO) that monitors and controls the bulk electric system for its transmission owner members and system users, and provides all customers with open access transmission service. The Federal Energy Regulatory Commission (FERC) approved the Midwest ISO as the nation’s first RTO on December 20, 2001. On February 1, 2002, the Midwest ISO began providing regional transmission service for the movement of bulk power over the facilities in the Midwest ISO footprint. Currently, there are facilities in the State of Missouri within this footprint. On April 1, 2005, Midwest ISO implemented its Midwest Energy Markets when it began centrally dispatching wholesale electricity and transmission service throughout much of the Midwest, including portions of the State of Missouri.

3. Communications in this matter should be addressed to:

Karl Zobrist
Roger W. Steiner
Sonnenschein Nath & Rosenthal LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
Telephone: 816-460-2400
Fax: 816-531-7545
Email: kzobrist@sonnenschein.com
Email: rsteiner@sonnenschein.com

Steven G. Kozey
Vice President and General Counsel
Lori Spence
Associate General Counsel
Midwest Independent Transmission System Operator, Inc.
701 City Center Drive
Carmel, IN 46032
Telephone: 317-249-5442
Email: skozey@midwestiso.org
Email: lspence@midwestiso.org

4. On or about September 28, 2005, The Empire Electric District Company (Empire) filed an application for authority to transfer functional control of certain of its transmission assets to Southwest Power Pool, Inc. On October 6, 2005, the Commission issued its Order Directing Notice of Tax Impact. On October 12, 2005, the Commission issued its Order directing the Staff of the Commission to file a status report no later than November 1, 2005 informing the Commission of when Staff will be able to submit a recommendation in this matter. On October 26, 2005, in response to an application for intervention by Aquila, Inc., it directed Staff to file no later than November 7 a pleading responding to Aquila's request to participate in this proceeding.

5. The Commission should permit Midwest ISO to intervene in this case pursuant to Commission Rule 2.075(4)(B), 4 CSR 240-2.075(4)(B), because doing so would be in the public interest. Midwest ISO has been actively involved in transmission issues and RTO policy

questions in the State of Missouri since it first began operations in December 2001. For example, Midwest ISO has been active in RTO issues involving Aquila, Inc., both in Case No. EO-2003-0566, as well as the continuing discussions being held in a workshop context. Midwest ISO, assisted by Science Applications International Corp. and New Energy Associates, Inc., submitted a cost benefit analysis of the participation in RTOs by the Missouri operating companies of Aquila in a draft report dated August 15, 2005, subsequently supplemented on October 5, 2005. Empire, Kansas City Power & Light Co., SPP, as well as Staff and the Office of the Public Counsel have participated in those workshops. Midwest ISO will bring to this proceeding its experience as a transmission and energy market services provider on both a state and regional level.

6. Midwest ISO's intervention is also warranted under Commission Rule 2.075(4)(A), 4 CSR 240-2.075(4)(A), because Midwest ISO's interests differ from those of the general public. KCPL's Application in this case would affect Midwest ISO's operations as they relate to the Missouri service areas of Aquila and AmerenUE. Additionally, Midwest ISO is currently a party to a Joint Operating Agreement with Southwest Power Pool, Inc. Therefore, Midwest ISO's interests in coordinating with SPP on seams issues relating to the borders of RTOs, as well as transmission-owning utilities both in Missouri and bordering Missouri (whether or not they are members of an RTO) distinguish the interests of the Midwest ISO from other parties.

WHEREFORE, for the foregoing reasons, Midwest ISO respectfully requests that the Commission grant its Application to Intervene in this proceeding.

Respectfully submitted,

/s/ Karl Zobrist

Karl Zobrist, MO #28325

Roger W. Steiner, MO #39586

Sonnenschein Nath & Rosenthal LLP

4520 Main Street, Suite 1100

Kansas City, MO 64111

Telephone: (816) 460-2545

Facsimile: (816) 531-7545

Email: kzobrist@sonnenschein.com

Email: rsteiner@sonnenschein.com

Attorneys for Midwest Independent Transmission
System Operator, Inc.

Certificate of Service

A true and correct copy of the foregoing was delivered by electronic mail or First Class Mail, postage prepaid, on this 28th day of October, 2005, to the following:

Curtis D. Blanc

Kansas City Power & Light Company

1201 Walnut, 20th Floor

Kansas City, MO 64106

Email: Curtis.Blanc@kcpl.com

Attorney for Kansas City Power & Light Company

David C. Linton

242 Somer Top Lane

Fenton, MO 63026

Email: djlinton@earthlink.net

Attorney for Southwest Power Pool, Inc.

Steven Dottheim

Office of the General Counsel

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

Email: steve.dottheim@psc.mo.gov

Lewis Mills
Office of the Public Counsel
P.O. Box 2230
Governor Office Building, Suite 650
200 Madison Street
Jefferson City, MO 65102
Email: lewis.mills@ded.mo.gov
OPCservice@ded.mo.gov

Paul A. Boudreau
Brydon Swearengen & England, P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
Email: PaulB@brydonlaw.com
Attorney for Intervenor Applicant Aquila, Inc.

/s/ Karl Zobrist
Attorney for Midwest Independent Transmission
System Operator, Inc.