
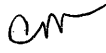


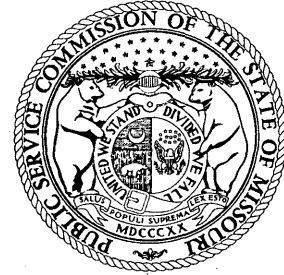


Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. **WR-2008-0311**

FROM: Chairman Jeff Davis 
Commissioner Connie Murray 
Commissioner Robert Clayton 
Commissioner Terry Jarrett 



DATE: April 10, 2008

On April 5, 2008, all of the Commissioners listed above received the attached electronic mail message and attachment from Stu Conrad, Attorney and Counselor at Law with Finnegan, Conrad & Peterson. This case, **WR-2008-0311**, is a contested case. The Commission is bound by its *ex parte* rule, and, we are therefore giving notice to the parties this communication has been received.

Although communications from members of the public and members of the legislature are always welcome, those communications must be made known to all parties to a contested case so that those parties have the opportunity to respond. According to the Commission's rules (4 CSR 240-4.020(8)), when a communication from any person interested in a case (either oral or written) occurs outside the hearing process, any member of the Commission or Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it to each member of the Commission and the parties to the case. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, we submit this report pursuant to the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Commissioners
Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel

Gregory, Sheryl

From: Robyn, Angie
Sent: Thursday, April 10, 2008 2:29 PM
To: Gregory, Sheryl
Subject: FW: WR-2008-0311 Intervention Application
Attachments: 70274_1.PDF

From: Stu Conrad [mailto:stucon@fcplaw.com]
Sent: Sat 4/5/2008 4:33 PM
To: Dean Cooper; Krueger, Keith; William England; Murray, Connie; Davis, Jeff; Clayton, Robert; Jarrett, Terry
Subject: WR-2008-0311 Intervention Application

Please be aware that, although email is efficient, cost-effective and rapid, it may not be completely secure, copies may be retained on transferring servers, or intercepted by others. If you have any objection to our use of email for communications, please advise, otherwise we will assume acceptability. Information contained in this e-mail message may be privileged, confidential or otherwise protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying of this e-mail is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at "stucon@fcplaw.com." Unless otherwise explicitly indicated, this email contains no tax advice. Thank you.

Your service copy of an intervention application in the above case is attached as a PDF. Please advise if a hard copy is desired.

Stuart W. Conrad, Esq., Attorney and Counselor at Law
Finnegan, Conrad & Peterson, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111
Office Voice: (816)753-1122 Ext. 211
Office Fax: (816)756-0373
"Legis vigilantibus non dormientibus, subveniunt"
<stucon@fcplaw.com>

**STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of Missouri-American)	
Water Company's Request for Author-)	
ity to Implement a General Rate)	
Increase for Water Service Provided)	WR-2008-0311
in Missouri Service Areas)	

**APPLICATION TO INTERVENE
OF AG PROCESSING INC, A COOPERATIVE**

This application requests intervention in this proceeding for AG PROCESSING INC, A COOPERATIVE ("AGP"). Pursuant to 4 C.S.R. 240-2.075 AGP applies to intervene and to become a party in this proceeding. In support, AGP states:

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 water supply customer of Missouri-American Water Company ("Missouri-American") in the St. Joseph district.

3. AGP's interest in proceedings affecting the rates, terms and conditions of water services from Missouri-American

have been previously recognized by the Missouri Public Service Commission in permitting AGP's intervention in prior Missouri-American rate design and rate-related proceedings. AGP has actively participated in such cases.

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

Stuart W. Conrad, Esq.
David L. Woodsmall^{1/}
FINNEGAN, CONRAD & PETERSON, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111
Voice: (816) 753-1122
Fax: (816) 756-0373
E-mail: stucon@fcplaw.com

and to:

Mr. Gary Chesnut
Corporate Purchasing Manager
Ag Processing Inc.
12700 West Dodge Rd.
Omaha, NE 68154

5. On March 31, 2008 Missouri-American filed proposed tariffs claimed to produce an annual increase of \$49.6 million or 26.4%. Initial investigation and review of these proposed tariffs and the accompanying materials indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, and unduly discriminatory.

6. The Missouri Public Service Commission issued an Order on April 3, 2008 suspending the proposed rates and tariffs

^{1/} Mr. Woodsmall is the firm's resident attorney at its Jefferson City Office. His Jefferson City address is: 428 East Capitol Avenue, Suite 300, Jefferson City, MO 65101,

through February 28, 2009 and directing an investigation of the proposals, setting an intervention deadline, scheduling a hearing, and an early prehearing conference. This application is timely under that Order.

7. AGP is vitally interested in issues that are or may be raised by or developed as a result of the investigation of Missouri-American's filing for an increase in its rates and revenues, including, without limitation, (1) the revenues which will or may be realized under such rates and the increase over revenues resulting from former rates in effect before the current filing; (2) the amount and prudence of expenses and purported matching revenues to be charged to the appropriate test period; (3) the design and structure of rates needed to raise revenues sufficient to meet a proper cost of service for Missouri-American; and (4) the preservation of district-specific pricing consistent with Missouri law.

8. AGP will be bound or adversely affected by any Commission order in this proceeding. Because of the structure of the rate schedules under which Missouri-American sells water to AGP, and because of AGP's size and consistency of water usage for production purposes, AGP is in the special position of representing its own interest that is direct, immediate, different from that of the general public, and that cannot adequately be represented by any other party. Therefore, it will aid the Commission and serve and protect the public interest that AGP be permitted to intervene in this proceeding to protect its interests. AGP is

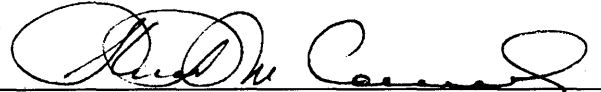
contacting additional Missouri-American customers to determine whether they wish to participate as a group, but those determinations are pending and we will later advise the Commission regarding such efforts.

9. For purposes of 4 C.S.R. 240-2.075(2), AGP states that it opposes the discriminatory and excessive pricing of public utility services, including those provided by Missouri-American and therefore opposes the relief sought by Missouri-American in this proceeding.

WHEREFORE, AGP prays: (a) that it be permitted to intervene and be a party to this case with all rights to have notice of and participate in any proceedings and hearings to present evidence, to cross-examine witnesses, file briefs and present any argument; and (b) for all other relief to which AGP is entitled.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.




Stuart W. Conrad Mo. Bar #23966
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3100 Broadway, Suite 1209
Kansas City, Missouri 64111
(816) 753-1122
Facsimile (816) 756-0373
Internet: stucon@fcplaw.com

ATTORNEYS FOR AG PROCESSING INC.

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Application to Intervene on the designated attorneys or representatives of each party in accord with Commission Orders and the service list maintained in this proceeding by the Secretary of the Commission on EFIS.

Dated: April 5, 2008

A handwritten signature in dark ink, appearing to read "Stuart W. Conrad", written over a horizontal line.

Stuart W. Conrad, an attorney for
within applicant