BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Aquila, Inc.)	
dba KCP&L Greater Missouri Operations)	
Company for Approval to Make Certain)	ER-2009-0090
Changes in its Charges for Electric Service)	
)	

APPLICATION TO INTERVENE AND MOTION TO LATE FILE

COMES NOW Wal-Mart Stores, Inc. ("Wal-Mart") pursuant to 4 C.S.R. 240-2.075, and for its Application to Intervene and Motion to Late File respectfully states as follows:

- 1. On September 16, 2008, undersigned counsel filed applications to intervene on behalf of Ag Processing Inc. and the Sedalia Industrial Energy Users' Association. Following the filing of those applications, Wal-Mart sought to join that intervention group. Although this application is being filed one day after the intervention deadline, as will be shown, it is in the public interest and should be granted.
- 2. Wal-Mart is a large industrial user of electricity supplied by Aquila L&P and Aquila MPS. As such, Wal-Mart's interest in this proceeding is different from that of the general public. Indeed, Wal-Mart's interest and that fact that it differs from the general public has been previously recognized by this commission by granting Wal-Mart intervention in the recent AmerenUE rate proceeding as well as Aquila's most recent rate proceeding.

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For purposes of 4 CSR 240-2.075(2), Wal-Mart states that it is opposed to 3.

discriminatory pricing of electricity and related utility services, is opposed to increases that are

not reasonable and are not related to prudent costs that are incurred by the utility in providing

utility service, and is opposed to a utility being permitted to earn what may be an unreasonably

high rate of return. Wal-Mart is unable to state its position relating to the relief sought by

Aquila. Wal-Mart is continuing to review Aquila's filing and reserves the right to take positions

on specific issues as this case proceeds.

4. Wal-Mart's intervention will serve the public interest by assisting the record for

the Commission's decision in this case.

As mentioned, Wal-Mart's application is one day past the intervention deadline 5.

previously set by the Commission. This delay is a result of the necessity of seeking various

approvals within the company. Wal-Mart asserts that this delay should not prejudice any of the

other parties in that nothing has occurred in this case in the interim. For instance, the

Commission has yet to grant intervention to the other parties or to hold its early prehearing /

scheduling conference.

6. Correspondence or communications regarding this application, including service

of all notices and orders of this Commission, should be addressed to:

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WHEREFORE, Wal-Mart respectfully requests that the Commission grant its Motion to Late File and its Application to Intervene.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

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ATTORNEYS FOR WAL-MART STORES, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

David L. Woodsmall

Durchmall

Dated: October 3, 2008