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ORIGINAL

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November 12, 1999

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

FILED<sup>2</sup>  
NOV 12 1999  
Missouri Public  
Service Commission

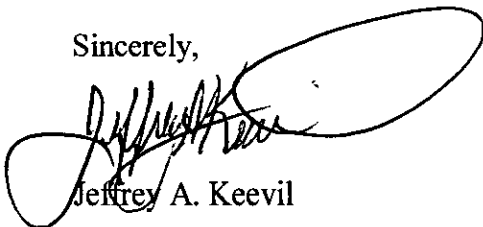
RE: Case No. EM-2000-292  
In the Matter of the Joint Application of UtiliCorp United Inc. and St. Joseph  
Light & Power Company

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case are an original and fourteen (14) copies of an APPLICATION TO INTERVENE on behalf of the City of Springfield, Missouri, through the Board of Public Utilities ("City Utilities of Springfield").

Copies of this filing have on this date been mailed or hand-delivered to counsel listed in the Commission's Order and Notice dated October 26, 1999. Thank you for your attention to this matter.

Sincerely,



Jeffrey A. Keevil

JAK/er  
Enclosures  
cc: counsel in Order and Notice

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

ORIGINAL  
FILED<sup>2</sup>

NOV 12 1999

Missouri Public  
Service Commission

In the Matter of the Joint Application of     )  
UtiliCorp United Inc. and St. Joseph Light & )  
Power Company for Authority to Merge St. )  
Joseph Light & Power Company with and     )  
into UtiliCorp United Inc., and, in     )  
Connection Therewith, Certain Other     )  
Related Transactions.     )

Case No. EM-2000-292

APPLICATION TO INTERVENE

Comes Now the City of Springfield, Missouri, through the Board of Public Utilities (hereafter "Intervenor" or "City Utilities of Springfield"), pursuant to 4 CSR 240-2.075 and the Commission's Order and Notice issued herein on October 26, 1999, and in support of its Application to Intervene respectfully states as follows:

1. In its Order and Notice issued herein on October 26, 1999, the Commission set an intervention date for this case of November 15, 1999; this Application for Intervention is being filed pursuant to that Order.

2. The City of Springfield, Missouri, is a constitutional charter city existing and operating pursuant to Article VI, Sections 19 and 19(a) of the Constitution of the State of Missouri. Intervenor provides utility services, including electric utility service and natural gas utility service, to the public through its Board of Public Utilities pursuant to Article XVI of the City Charter of the City of Springfield, Missouri. To the extent required, copies of relevant provisions of Intervenor's City Charter have been previously filed with the Commission in Case No. TA-97-313 and are incorporated herein by this

reference. The principal office and place of business of City Utilities of Springfield is located at 301 East Central, P.O. Box 551, Springfield, Missouri 65801-0551.

3. All pleadings, correspondence, communications, notices, orders and decisions respecting this proceeding should be addressed to the following:

Jeffrey A. Keevil  
Stewart & Keevil, L.L.C.  
1001 Cherry Street  
Suite 302  
Columbia, Missouri 65201  
(573) 499-0635

William A.R. Dalton  
General Counsel  
City Utilities of Springfield, Missouri  
P.O. Box 551  
Springfield, Missouri 65802  
(417) 831-8604

4. As the Commission is aware, concerns regarding market power have become an important issue in recent electric utility mergers. *See, Re: Union Electric Company/Central Illinois Public Service*, Case No. EM-96-149 (for an Order of the Commission Requesting Additional Information concerning market power, see 5 MPSC 3d 157 (1996)); *Re: Western Resources Inc./Kansas City Power & Light*, Case No. EM-97-515. Likewise, market power considerations will undoubtedly be an issue in the instant merger case. In the recent *Western Resources Inc./Kansas City Power & Light* case referenced above, in his rebuttal testimony the outside expert witness retained by Staff to perform a market power analysis defined the relevant market region for that case to include Kansas City Power & Light Company, Western Resources Inc., Missouri Public Service (a division of UtiliCorp United, Inc.), St. Joseph Light & Power Company, and City Utilities of Springfield, Missouri, among others. Although City Utilities of Springfield has not had the opportunity to closely analyze the testimony of Staff's witness in that case and therefore cannot accept or reject his analysis at this time, Staff's witness' inclusion of City Utilities of Springfield in the same market region as both

UtiliCorp's Missouri Public Service division and St. Joseph Light & Power Company for purposes of his market power analysis clearly demonstrates that City Utilities of Springfield has a direct interest in this proceeding which is different from that of the general public and which cannot be adequately represented by any other participant in this proceeding. Similarly, since City Utilities of Springfield is connected to the electric "grid" in the State of Missouri, it is vitally concerned about actions such as this proposed merger which could have a direct impact on the transmission grid, and corresponding transmission of electricity, throughout the state and has a direct interest in this proceeding which is different from that of the general public and which cannot be adequately represented by any other participant in this proceeding.

5. As the Commission is also aware, UtiliCorp United Inc. and The Empire District Electric Company have signed a merger agreement, which will also soon be before this Commission for its approval (*see* May 11, 1999, Empire press release). The instant proceeding, and information gathered during its processing, may have a direct impact on the forthcoming UtiliCorp/Empire merger proceeding. Empire's service territory essentially surrounds the statutorily-approved service territory of City Utilities of Springfield, and in a few locations overlaps the statutorily-approved service territory of City Utilities of Springfield. Therefore, City Utilities of Springfield has a direct interest in this proceeding which is different from that of the general public and which cannot be adequately represented by any other participant in this proceeding.

6. Due to the volume and complexity of the joint application and supporting materials filed herein by UtiliCorp United Inc. and St. Joseph Light & Power Company, City Utilities of Springfield cannot state with specificity at this time whether it supports

or opposes the relief sought by the joint application. However, City Utilities of Springfield would obviously be opposed to an increase in market power of the joint applicants, whether of a transmission or generation nature, which could be exercised to the detriment of City Utilities of Springfield, or any other negative consequences of the proposed merger as such may affect the interests of City Utilities of Springfield.

7. For the reasons set forth above, Intervenor City Utilities of Springfield has an interest in this proceeding which is different from that of the general public, and which cannot be adequately represented by any other party. 4 CSR 240-2.075(4) provides for intervention on a showing that (A) the applicant for intervention has an interest in the proceeding which is different from that of the general public, or (B) the applicant is a municipality or other political subdivision, or (C) granting the intervention would serve the public interest. Although only one of the foregoing is required for intervention, Intervenor City Utilities of Springfield submits that it meets all of the above criteria for intervention and, accordingly, that this Application to Intervene should be granted.

WHEREFORE, having stated its grounds for intervention, the City of Springfield, Missouri, through the Board of Public Utilities, moves that the Commission enter an order granting it intervention as a full party to this case for all of the reasons set forth herein.

Respectfully submitted,



Jeffrey A. Keevil

Missouri Bar No. 33825

Stewart & Keevil, L.L.C.

1001 Cherry Street, Suite 302

Columbia, Missouri 65201

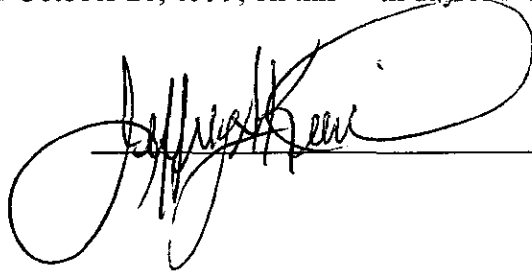
(573) 499-0635

(573) 499-0638 (fax)

ATTORNEY FOR THE CITY OF  
SPRINGFIELD, MISSOURI, THROUGH  
THE BOARD OF PUBLIC UTILITIES

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by placing same in first-class mail with proper postage affixed, or by hand delivery, to the persons listed in the Commission's Order and Notice dated October 26, 1999, on this 12th day of November, 1999.




State of Missouri     )  
                              )  
County of Boone     )     ss.

I, Jeffrey A. Keevil, being first duly sworn verify that I: am an attorney for the City of Springfield, Missouri, through the Board of Public Utilities ("City Utilities of Springfield"), licensed to practice law in the State of Missouri; have been authorized to file the foregoing Application to Intervene on behalf of City Utilities of Springfield; and that the statements contained therein are true to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Jeffrey A. Keevil

Subscribed and sworn to before me this 10<sup>th</sup> day of November, 1999.

  
\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

" NOTARY SEAL "  
Ross Peterson, Notary Public  
Boone County, State of Missouri  
My Commission Expires 8/28/2000