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December 17, 2001

HAND DELIVERY

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

FILED³

DEC 17 2001

Missouri Public
Service Commission

Re: **Missouri-American Water Company, et al.**
Missouri PSC Case No. WO-2002-273

Dear Mr. Roberts:

Enclosed are the original and eight (8) conformed copies of an **Application to Intervene**, which please file in the above matter and call to the attention of the Commission.

An additional copy of the material to be filed is enclosed, which kindly mark as received and return to me.

Thank you for your attention to this important matter. If you have any questions, please call.

Sincerely yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By: 

Stuart W. Conrad

SWC:s
Enclosures
cc: All Parties

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
DEC 17 2001

Missouri Public
Service Commission

In the Matter of the Joint Applica-)
tion of Missouri-American Water)
Company, St. Louis County Water)
Company d/b/a Missouri-American)
Water Company and Jefferson City)
Water Works Company d/b/a Missouri-)
American Water Company for an ac-)
counting authority order relating)
to security costs)

Case No. WO-2002-273

APPLICATION TO INTERVENE
OF AG PROCESSING INC, A COOPERATIVE,
FRISKIES PETCARE, A DIVISION OF NESTLE USA, and
WIRE ROPE CORPORATION OF AMERICA, INC.

Come now AG PROCESSING INC, A COOPERATIVE ("AGP"),
FRISKIES PETCARE, A DIVISION OF NESTLE USA ("Friskies") and WIRE
ROPE CORPORATION OF AMERICA INC. ("Wire Rope") pursuant to 4
C.S.R. 240-2.075 and apply to intervene herein and become parties
hereto with respect to the above matter. In support thereof,
AGP, Friskies and Wire Rope respectfully state:

1. AGP is an agricultural cooperative and is a large
manufacturer and processor of soybean meal and 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 and is a major industrial water supply customer of Missouri-American Water Company ("Missouri-American") in the St. Joseph district.

3. AGP's interests 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 its intervention in prior rate design and water rate proceedings concerning Missouri-American. AGP has been an active participant in such cases.

4. Friskies is a corporation lawfully doing business in Missouri and is a manufacturer of several types and varieties of animal food products. Friskies operates a product manufacturing facility in St. Joseph, Missouri, and is a major industrial water customer of Missouri-American in the St. Joseph district.

5. Wire Rope is a corporation lawfully doing business in Missouri and is a manufacturer of numerous steel wire products, primarily steel cables of various grades and sizes. Wire Rope operates a major manufacturing facility in St. Joseph, Missouri and such facility has been a major industrial water customer of Missouri-American in the St. Joseph district.

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

Stuart W. Conrad, Esq.
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7. On or about December 10, 2001 Missouri-American filed an Application for Accounting Authority Order including a Motion for Expedited Treatment (Application). Among other things, the Application states that Missouri-American has "installed facilities to further safeguard" its water plants and systems in view of the events of September 11, 2001. Neither specific facilities that have been installed, nor a listing of costs connected with such installations, have been provided.

8. Missouri-American also seeks to justify the issuance of an Accounting Authority Order (AAO) based on a characterization of the terrorist attacks to New York City and Washington, DC as extraordinary events (which they certainly are) but fails to make any assertions that any extraordinary events have occurred to its plants or systems or that its plants or systems have been threatened in any extraordinary way such as would justify issuance of an accounting authority order under standards recognized by the Commission.

9. Initial investigation and review of the Application does not demonstrate that it requests relief that would be in the circumstances either just or reasonable. Instead, the Application suggests that issuance of an accounting authority order in such circumstances would fail to consider all relevant circumstances and would therefore be in violation of Missouri

law. *State ex rel. Utility Consumers Council of Missouri, Inc.*, 585 S.W.2d 41, 49 (Mo en banc 1979) ("UCCM").

10. AGP, Friskies and Wire Rope are vitally interested in issues that are or may be raised by or developed as a result of the investigation of Missouri-American's Application including without limitation the implications that issuance of an AAO for unspecified activities and in unspecified amounts would have for the ratepayers of Missouri-American in the already overburdened St. Joseph service district. Moreover, these parties note that only recently Missouri-American obtained rate relief in an order yet under challenge pertaining to a newly-constructed water processing facility and well field near St. Joseph, Missouri. Accordingly, such newly constructed facilities should require only minimal additional expenditures unless, of course, such facilities were planned by parties that were entirely insouciant to security concerns in which case they may have been imprudent. Rectification of such oversight, if it occurred, should not be the subject of an accounting authority order nor a responsibility of the ratepayers in any district.

11. As customers served by Missouri-American, AGP, Friskies and Wire Rope may 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 and water supply services to AGP, Friskies and Wire Rope, and because of AGP's, Friskies' and Wire Rope's size and consistency of water usage for production purposes, AGP, Friskies and Wire Rope are in

the special position of representing their own and possibly other interests which will not and cannot be represented adequately by any other party and which interests are direct, immediate and different from those of the general public. Therefore, it will aid the Commission and protect the public interest that AGP, Friskies and Wire Rope be permitted to intervene in this proceeding to protect interests which no other parties are in a position properly to protect and adequately represent herein.

12. For purposes of 4 C.S.R. 240-2.075(2), AGP, Friskies and Wire Rope state that they oppose the discriminatory pricing of public utility services, including those provided by Missouri-American and oppose the use of accounting authority orders that prevent public scrutiny, evaluation and investigation of claims of increased costs by public utilities and therefore oppose the relief sought by Missouri-American in this proceeding.

13. Moreover, despite the activity of these applicants in MAWC's most recent general rate case and MAWC's knowledge of their continuing interest in the level of rates in the St. Joseph service area among others, these applicants received no notice whatever of this filing nor of any scheduling of a prehearing conference and became aware of such events only because their counsel was advised of such filing by one of the attorneys for the Public Counsel. No notice whatever of this Application has been given to the public generally or to customers that would be affected in any of the respective service areas of the utility.

WHEREFORE, AGP, Friskies and Wire Rope pray: (a) that they each be permitted to intervene herein and be made parties hereto with all rights to have notice of and participate in all proceedings and hearings to present evidence, to cross-examine witnesses, file briefs and participate in argument if any be held; (b) that proper public notice of this Application be given; and (c) for all other needful and proper relief.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR AG PROCESSING INC.,
FRISKIES PETCARE, A DIVISION OF
NESTLE USA and WIRE ROPE CORPORA-
TION OF AMERICA, INC.

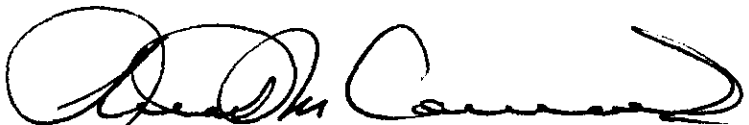
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application to Intervene by electronic, by hand delivery or by U.S. mail, postage prepaid addressed to the following persons:

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Mr. Dean L. Cooper
Brydon, Swearengen & England,
P.C.
312 East Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102-0456

Dated: December 17, 2001



Stuart W. Conrad, an attorney for
within applicants