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March 16, 2001

FEDERAL EXPRESS

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

**FILED**

**MAR 16 2001**

**Missouri Public  
Service Commission**

Re: **Investigation of UtiliCorp United Inc.  
MoPSC Case No. EO-2001-472**

Dear Mr. Roberts:

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

An additional copy of the **INITIAL PAGE** of the material to be filed is enclosed, which kindly mark as received and return to me in the enclosed envelope as proof of filing.

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

FILED

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

MAR 16 2001

Missouri Public  
Service Commission

In the Matter of an Investigation )  
respecting the sale of UtiliCorp )  
United Inc's Utility Network Con- )  
struction, Operation and Mainte- )  
nance Organization )

EO-2001-472

CONDITIONAL APPLICATION TO INTERVENE  
OF  
AG PROCESSING INC A COOPERATIVE

Comes now AG PROCESSING INC, a COOPERATIVE ("AGP") and pursuant to 4 C.S.R. 240-2.075 conditionally applies to intervene herein and become a party hereto in respect to the above matter. In support thereof, AGP respectfully states:

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, is an important electrical supply customer of St. Joseph Light & Power Co. ("SJLP"), and there utilizes significant quantities of electrical energy provided by or through SJLP's facilities. AGP is among the largest electrical customers of SJLP.

3. AGP also uses process significant quantities of industrial steam purchased from SJLP in its St. Joseph processing facility. AGP is among the largest industrial steam customers of SJLP.

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.  
FINNEGAN, CONRAD & PETERSON, L.C.  
1209 Penntower Office Center  
3100 Broadway  
Kansas City, Missouri 64111  
Voice: (816) 753-1122  
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and to:

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

5. On March 6, 2001, the Staff of the Missouri Public Service Commission ("Staff") filed its Motion to Open an Investigatory Proceeding concerning a certain proposal by UtiliCorp United Inc. ("UCU") regarding the disposition of certain network construction, operations and maintenance portions of its business as a public utility in the State of Missouri. SJLP is currently operating as a division of UCU<sup>1/</sup> and will be affected by the UCU proposal.

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<sup>1/</sup>AGP presently has sought and obtained a writ of review with respect to the approval of the merger of SJLP and UCU. This filing is made without prejudice to AGP's position therein.

6. AGP is directly interested in the UCU proposal and thus this filing. AGP has separately indicated its support for the Staff motion. As a major electric and steam customer of SJLP, AGP is in a position to be directly affected by the UCU proposal and thus this matter and may be bound or adversely affected by any Commission order issued in this proceeding. Because SJLP provides electricity and steam to AGP under separate rate schedules and because of AGP's size and load factor, AGP is in the special and unique position of representing an interest which will not and cannot be represented adequately by any other party and which interest is direct and immediate and differs from that of the general public. Therefore, it will aid the Commission and protect and advance the public interest that AGP be permitted to intervene in this proceeding so as to protect its interest which no other party is in a position properly to protect and adequately represent herein.

7. This Application to Intervene is tendered **upon the condition** that the Commission grants Staffs' motion and establishes an investigation of the UCU proposal.

8. For purposes of 4 C.S.R. 240-2.075(2), AGP states that it is opposed to the discriminatory pricing of electricity, steam and related utility services. AGP is also deeply concerned with the reliability of both electric and steam service for its facilities in SJLP's service territory and that rates for such service be properly based on cost of service principles. Inasmuch as the exact nature of the UCU proposals has not been

clarified, AGP cannot state with certainty its specific position regarding those proposals other than to state its general concern that such divestitures or disposition may affect the cost, reliability and adequacy of the electric and steam service that it presently receives from SJLP.

WHEREFORE, AGP prays **upon the condition** that an investigation is established as proposed by Staff: (a) that AGP be permitted to intervene therein and be made a party thereto with all rights to have notice of and participate in hearings to present evidence, cross-examine witnesses, file briefs and participate in argument, should any be had; (b) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR AG PROCESSING INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid addressed to all parties by their attorneys of record as provided by the Secretary of the Commission and shown on the sheet following.

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

Stuart W. Conrad

Dated: March 16, 2001