

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Tariff Filing of Aquila,)
Inc., to Implement a General Rate)
Increase for Retail Electric Service)
Provided to Customers in its MPS and)
L&P Missouri Service Areas.)

Case No. ER-2005-0436

**AQUILA’S RESPONSE AND OBJECTION TO
THE APPLICATION TO INTERVENE OF AARP**

COMES NOW Aquila, Inc. (“Aquila”), by counsel, and for its Response and Objection to the Application to Intervene filed herein by AARP, a nonprofit membership organization (“AARP”), respectfully states to the Missouri Public Service Commission (the “Commission”) as follows:

Introduction

1. AARP filed its Application to Intervene on June 20, 2005, stating that its interest in this matter relates to the proposed rates, terms and conditions of service for Aquila’s residential electric customers. AARP also states that its interests are somehow different than the general public in that AARP’s members are specifically interested in how this matter will impact Missouri seniors receiving service from Aquila. Without any support, AARP also makes the bold conclusory assertion that its intervention will serve the public interest.

2. Aquila recognizes the importance of AARP in our society, but Aquila opposes the intervention of AARP in this proceeding because AARP does not satisfy the Commission’s intervention criteria. If all “interested” parties are permitted intervention in all Commission matters, undue delay – both at the Commission level and at the appellate level – will result. That is why the intervention rules are in place. The

interests of AARP's members are not different than that of the general public, and the intervention of AARP will not serve the public interest.¹ Allowing the intervention of AARP in this rate case proceeding will simply create two public counsels.

Standard for Intervention

3. The standard for intervention in Commission proceedings is set forth at 4 CSR 240-2.075(4). The Commission may authorize intervention on a showing that: (a) the proposed intervenor has an interest different than that of the general public that may be adversely affected by a final order in the case; or (b) granting the proposed intervention would serve the public interest.

AARP's Application Should be Denied for Failure to Satisfy Commission Criteria

4. AARP represents the interests of Missouri's seniors. This, in and of itself, does not demonstrate that AARP's interests are somehow different than that of the general public, as required by 4 CSR 204-2.075(4)(A). The intervention of AARP also will not serve the public interest pursuant to 4 CSR 240-2.075(4)(B). AARP's Application to Intervene fails to meet the Commission's criteria for intervention, and, therefore, the Application should be denied.

5. The existing parties to this proceeding, including Aquila, the Office of the Public Counsel ("Public Counsel"), and the Commission's Staff, are aware of the facts relevant to this rate case proceeding. AARP's intervention will not add factually to this case.

¹ At this time, Aquila is not opposing the Application on the basis that it fails to comply with the rule for an application by an association. In its Application, AARP is identified as a "nonprofit, nonpartisan membership organization" and is not identified as a corporate entity. If AARP is an association, it should be required to comply with the rule regarding intervention by an association. It appears, however, that AARP may instead be an incorporated entity.

6. Aquila recognizes that AARP's members, like many Missouri citizens, are interested in utility rates in Missouri, but Aquila is not aware of any other contested Commission proceeding where AARP has sought intervention or has been permitted to intervene. It is unclear why AARP is now suddenly compelled to seek intervention in a proceeding before the Commission.

7. AARP has not demonstrated that its members have any interests which are different from that of the general public and that will not be adequately represented by the Public Counsel. Pursuant to RSMo. 386.710, the Public Counsel is charged with the duty to "represent and protect the interests of the public" in Commission proceedings. There has been no showing by AARP that Public Counsel has refused or otherwise refrained from representing the interests of Missouri's seniors in this rate case proceeding. Two public counsels are not needed in order to serve the interests of Missouri's senior citizens.

8. The possibility for consultation and advice by a third party – even a well-respected organization such as AARP – is not a sufficient basis for intervention in any case. AARP asserts that its members are alarmed by the proposed rate increase. If AARP wishes to weigh in on this issue, pursuant to 4 CSR 240-2.075(6), AARP may request leave to file a brief as an *amicus curiae*. AARP does not need to be afforded with all rights of a party to this proceeding. AARP's intervention can only serve to frustrate and delay the rate case process.

WHEREFORE, for the reasons aforesaid, AARP's proposed intervention should be denied.

Respectfully submitted,

/s/ Diana C. Carter

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ATTORNEYS FOR AQUILA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, hand delivery, or electronic transmission, on this 22nd day of June, 2005, to the following:

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