

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

In the Matter of the Resource Plan of Aquila, Inc.,)
d/b/a Aquila Networks-MPS and Aquila Networks-) Case No. EO-2007-0298
L&P Pursuant to 4 CSR 240-22)

APPLICATION TO INTERVENE OUT OF TIME

COMES NOW the City of Kansas City, Missouri (hereinafter sometimes Kansas City), pursuant to 4 CSR 240-2.050 (3)(B) and 4 CSR 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene respectfully states:

1. The City of Kansas City, Missouri, is a municipality of the State of Missouri.
2. Correspondence, communications, orders and the decision in this matter should be addressed to:

William D. Geary
Assistant City Attorney
2700 City Hall
414 E. 12th St.
Kansas City, MO 64106
Telephone No.: 816/513-3118
Fax No.: 816/513-3133

Mark W. Comley
Newman, Comley & Ruth P.C.
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone No.: 573/634-2266
Fax No.: 573/636-3306

3. This case arose when Aquila Inc., d/b/a Aquila Networks-MPS and Aquila Networks- L&P, (Aquila) filed its Utility Resource Filing (IRP) as required by 4 CSR 240 - Chapter 22. On February 7, 2007, the Commission issued an order and notice directing that

interested parties wishing to intervene must do so on or before February 27, 2007. This application is therefore out of time.

4. At the time this case was filed, Aquila's general rate case, Case No. ER-2007-0004, was also pending. The City's application to intervene in Case No. ER-2007-0004 was granted. An issue of considerable interest to the City in Aquila's rate case was the continuation of Aquila's low income weatherization program and its level of funding. The low income weatherization program is one of Aquila's demand side management (DSM) programs and the City supplies administrative services for Aquila's low income weatherization program.

5. As Case No. ER-2007-0004 progressed, the parties pursued a stipulation with Aquila which addressed many, but not all, of the issues in the case. A stipulation was achieved and it was approved by the Commission effective April 22, 2007. Pursuant to the stipulation,¹ issues pertaining to cost recovery for Aquila's demand side management programs and their level of funding have been shifted to the instant matter.

6. As the administrator of low income weatherization funding in a three county area and the provider of administrative services for Aquila's existing low income weatherization program, final decisions pertaining to Aquila's demand side management programs made herein will have a direct impact on the City. The City's interest in this matter is different from that of the general public.

7. The City acknowledges that its request to be a party is out of time. The City has not previously applied for intervention in an IRP case, and does here only because issues of interest from the general rate case have migrated to this docket.

¹ See *Stipulation and Agreement as to Certain Issues*, Paragraph 11, **Demand Side Management (DSM) Program Costs**, on page 7.

8. If the Commission should grant this application, neither the parties nor the Commission will be prejudiced since the City must accept the case in its present state. The City believes that even at this stage of the proceeding its participation in the matter will be important to the other parties, and would assist the Commission in any deliberations on the subject matter. Its intervention is in the public interest.

9. Additionally, the undersigned has been authorized to represent that Aquila has no objection to the City's intervention at this late date.

10. At this time, Kansas City is uncertain of the position it will take in this matter.

WHEREFORE, for the foregoing reasons, the City of Kansas City, Missouri, respectfully requests that the Commission grant its Application to Intervene in this matter, and thereby entitle the City to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the argument, and in all other respects fully participate in this proceeding.

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266
(573) 636-3306 (FAX)

Attorneys for City of Kansas City, Missouri

ATTORNEY VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for The City of Kansas City, Missouri which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.

/s/ Mark W. Comley
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 10th day of May, 2007.

/s/ Annette M. Borghardt
Notary Public for Cole County, MO
Commission # 06436657; MCE 3/11/2010

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via email on this 10th day of May, 2007, to:

Office of Public Counsel at opcservice@ded.mo.gov;
General Counsel's Office at gencounsel@psc.mo.gov;
James C. Swearengen and Paul A. Boudreau at paulb@brydonlaw.com;
Mary Ann Young at myyoung0654@aol.com;
William D. Steinmeier at wds@wdspc.com;
Paul DeFord at pdeford@lathropgage.com;
Curtis Blanc at Curtis.Blanc@kcpl.com;
Shelley Woods at shelley.woods@ago.mo.gov;
David Woodsmall at dwoodsmall@fcplaw.com
Stuart Conrad at stucon@fcplaw.com.

/s/ Mark W. Comley
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