

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of )  
Missouri-American Water Company for )  
the Approval of an Agreement with )  
the Chariton County Public Water )                   WO-2013-0443  
Supply District #2 to Sell and )  
Deliver Water for Resale and Relat- )  
ed Tariff Sheets. )

**APPLICATION TO INTERVENE  
OF AG PROCESSING INC A COOPERATIVE**

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This application requests intervention in this proceeding for AG PROCESSING INC A COOPERATIVE ("AGP"). Pursuant to 4 C.S.R. 240-2.075 AGP applies to intervene and to become a party in this proceeding. In support, AGP states:

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

3. AGP's interest 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 AGP's intervention in prior Missouri-American rate and tariff-related proceedings. AGP has actively participated in such cases.

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.  
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and to:

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

5. On April 1, 2013 Missouri-American filed a proposed tariff that it asserts would authorize the sale of finished water to Chariton County Public Water Supply District #2. Missouri-American also alleges in its Application that it has the water available from its Brunswick District, and that the proposed sale would be at a "competitive price." AGP representatives have been unable, however, to verify these allegations, or to investigate the effect that this proposed sale might have upon the rates in the Brunswick District or the degree of subsidiza-

tion of that district by other Missouri-American water or sewer districts because the agreement containing specifics regarding these arrangements has been filed under seal. Apparently it may not be reviewed absent intervention in the proceeding.

6. The Missouri Public Service Commission issued an Order on April 2, 2013 directing public notice and setting an intervention deadline of April 12, 2013. This Application is timely filed thereunder.

7. AGP is interested in issues that are or may be raised by or developed as a result of the investigation of Missouri-American's filing and the potential surplus of water in the Brunswick District as alleged by Missouri-American. No final position has been established and must await review and analysis of the sealed documents.

8. AGP 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 to AGP, and because of AGP's size and consistency of water usage for production purposes, AGP is in the special position of representing its own interest that is direct, immediate, different from that of the general public, and that cannot adequately be represented by any other party. Therefore, it will aid the Commission and serve and protect the public interest that AGP be permitted to intervene in this proceeding to protect its interests.

9. For purposes of 4 C.S.R. 240-2.075(2), AGP states that it opposes the discriminatory and excessive pricing of

public utility services, including those provided by Missouri-American. As noted, pending review and analysis of the confidential documents that detail the specifics of this proposed transaction, AGP cannot state a final position on the relief sought.

WHEREFORE, AGP prays: (a) that it be permitted to intervene and be a party to this case with all rights to have notice of and participate in any proceedings and hearings (should any be scheduled) to present evidence as needed, to cross-examine witnesses, file briefs and present any argument; and (b) for all other relief to which AGP is entitled.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR AG PROCESSING INC.

**CERTIFICATE OF SERVICE**

I certify that I have served a copy of the foregoing Application to Intervene on the designated attorneys or representatives of each party in accord with Commission Orders and the service list maintained in this proceeding by the Secretary of the Commission on EFIS.

Dated: April 10, 2013.

A handwritten signature in black ink, appearing to read "Stuart W. Conrad", written in a cursive style.

Stuart W. Conrad, an attorney for  
within applicant