

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

In the Matter of The Empire District Electric	)	
Company of Joplin, Missouri for Authority to	)	
File Tariffs Increasing Rates for Electric	)	Case No. ER-2006-0315
Service Provided to Customers in the Missouri	)	
Service Area of the Company.	)	

**APPLICATION TO INTERVENE OF AQUILA, INC.**

COMES NOW Aquila, Inc. (hereinafter “Aquila” or “Company”), by counsel, pursuant to 4 CSR 240-2.075, and for its application to intervene in the above-captioned proceeding states as follows to the Missouri Public Service Commission (the “Commission”):

1. Aquila is a Delaware Corporation with its principal office and place of business at 20 W. 9<sup>th</sup> Street, Kansas City, Missouri, 64105-1711. The Company is authorized to conduct business in Missouri through its Aquila Networks-MPS and Aquila Networks-L&P operating divisions and as such is engaged in providing electrical, natural gas and industrial steam utility service in those areas of the State certificated to it by the Commission.

2. A Certificate of Authority for a foreign corporation to do business in the State of Missouri evidencing Aquila’s authority under the law to conduct business in the State of Missouri was filed with the Commission in Case No. EU-2002-1053 and said documents are incorporated herein by reference. Likewise, copies of the registrations of fictitious names of Aquila Networks-MPS and Aquila Networks L&P were filed with the Commission in Case No. EU-2002-1053 and said documents are incorporated herein by reference.

3. Aquila has no pending actions or final unsatisfied judgments or decisions against it in Missouri involving customer service or rates. Aquila has no annual report or assessment fees that are overdue.

4. Communications relating to this application and proceeding should be directed to the undersigned counsel, to-wit:

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5. On February 1, 2006, The Empire District Electric Company (“Empire”) submitted to the Commission proposed tariff sheets, Tariff File No. YE-2006-0597, intended to implement a general rate increase for retail electrical service provided by Empire in its Missouri service area.

6. By the Commission’s Order and Notice issued February 7, 2006, the Commission established an intervention deadline in this proceeding of February 27, 2006.

7. Aquila should be allowed to intervene in this proceeding because it has an interest that is different from that of the “general public” which may be adversely affected by a final order in this case. Additionally, Aquila’s status as a public utility and its direct specific interests in the subjects of this case indicate that its intervention would serve the public interest. As part of its application, Empire has proposed a fuel adjustment clause (FAC), which, if approved by the Commission and instituted by Empire, would be the first of its kind since the passage of Senate Bill 179. The Commission’s decision and the positions of Empire, the Office of the Public Counsel, and the Commission’s Staff on this issue will directly impact Aquila, and Aquila may provide testimony on this issue if permitted to intervene herein. If desired by the Commission, Aquila’s involvement in this case could be limited to the FAC issue.

8. Regarding 4 CSR 240-20.075(2), Aquila has not yet had an opportunity to review Empire's filing in detail and, as such, cannot yet state precisely what its position is in this proceeding. Upon further review of Empire's filing, updates, and discovery responses, Aquila will be able to better state its position in this matter. A detailed statement of position and identification of issues with respect to Empire's application may be submitted by Aquila in accordance with the procedural schedule.

WHEREFORE, for the reasons stated herein, Aquila respectfully requests that the Commission issue an order permitting it to intervene in this case with full rights as a party hereto.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

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ATTORNEYS FOR AQUILA, INC.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered, mailed by U.S. mail, or electronically transmitted on this 27<sup>th</sup> day of February, 2006, to all parties of record.

/s/ Diana C. Carter