

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

In the Matter of the Application of Aquila, Inc.            )  
d/b/a KCP&L Greater Missouri Operations            )            Case No. ER-2009-0090  
Company, for Approval to Make Certain            )  
Changes in its Charges for Electric Service.        )

**APPLICATION TO INTERVENE OUT OF TIME**

COMES NOW the City of Kansas City, Missouri (hereinafter sometimes “Applicant” or “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 Out of Time 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 KCP&L Greater Missouri Operations Company (Aquila) filed proposed tariff sheets intended to implement a general rate increase for electrical service provided in its Missouri service area. On September 12, 2008, the Commission

issued an order and notice directing that interested parties wishing to intervene must do so on or before October 2, 2008. This application is therefore out of time.

4. Notice of this case was received by the City, but the notice did not reach the office of the City Attorney until after the deadline for intervention had passed, so that action by the legal department has been delayed. Failing to meet the intervention deadline was not for purposes of delay but rather due to circumstances which Applicant asks the Commission to deem excusable.

5. Kansas City is itself a large consumer of energy supplied by Aquila. Kansas City is interested in the impact of any decisions in this proceeding on behalf of itself and its residents and businesses. Additionally, the City, through the Weatherization Program Division of the Neighborhood and Community Services Department, administers a weatherization program in civic partnership with Aquila and other utilities. The City's interest in this proceeding is different from that of the general public. It desires to participate fully in this proceeding including hearing and the briefing of the issues.

6. The parties have not yet proposed a procedural schedule for this case. If the Commission should grant this application, neither the parties nor the Commission will be prejudiced. The City believes 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.

7. At this time, Kansas City is uncertain of the positions 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  
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(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 17th day of October, 2008.

/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 17th day of October, 2008, to:

Office of Public Counsel at opcservice@ded.mo.gov;  
General Counsel's Office at gencounsel@psc.mo.gov;  
James M. Fischer at jfischerpc@aol.com;  
Larry Dority at lwdority@sprintmail.com;  
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William Riggins at bill.riggins@kcpl.com  
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/s/ Mark W. Comley

Mark W. Comley