BEFORE THE PUBLIC SERVICE COMMISSION OF STATE OF MISSOURI

In the Matter of Missouri-American Water)	
Company's Request for Authority to Implement a)	
General Rate Increase for Water Service Provided	ĺ	WR-2010-0131
in Missouri Service Areas	Ś	

APPLICATION TO INTERVENE OF TRIUMPH FOODS, LLC

Triumph Foods, LLC ("Triumph Foods"), pursuant to 4 CSR 240-2.075, applies to intervene and become a party in this proceeding. In support, Triumph Foods states:

- 1. Triumph Foods is a Missouri Corporation. A copy of its Certificate of Good Standing is attached as Exhibit A. Triumph Foods' principal place of business is located at 5302 Stockyards Expy., St. Joseph, Missouri 64504-3616, telephone: 816-396-2700, facsimile: 816-396-2807; plilly@triumphfoods.com.
- 2. Triumph Foods began operation in January of 2006 of a large pork-processing facility in the stockyards area of St. Joseph. Triumph Foods employs 2,700 people with 2,300 of those in production-related position and 400 holding management and clerical positions.
- 3. Triumph Foods is a major industrial water supply customer of Missouri-American Water Company ("Missouri-American") in the St. Joseph District. Missouri-American provides water to Triumph Foods under a contract pursuant to an Economic Development Rider tariff. Both the tariff and the contract have been approved by the Commission.
- 4. Triumph Foods will be adversely affected by any Commission order in this proceeding involving its contract with Missouri-American. As indicated in File No. WO-2009-0303, Triumph Foods opposes any cancellation or modification of the terms of the contract it has with Missouri-American because Triumph Foods has not taken water under the rates provided in

the contract for the five-year period noted in the Commission's Order approving the contract.

Triumph Foods must be able to represent its own interests regarding the contract. Therefore,

since Triumph Foods' interest in this proceeding is different then the general public and cannot

be adequately represented by any other party, it will aid the Commission and serve the public

interest if Triumph Foods is permitted to intervene to protect its interests.

5. Correspondence or communications regarding this application should be addressed

to:

Karl Zobrist Roger W. Steiner Sonnenschein Nath & Rosenthal LLP 4520 Main Street, Suite 1100

Kansas City, MO 64111 Telephone: 816-460-2400

Fax: 816-531-7545

Email: kzobrist@sonnenschein.com
Email: rsteiner@sonnenschein.com

and

R. Patt Lilly Chief Administrative Officer Triumph Foods, LLC 5302 Stockyards Expy. St. Joseph, MO 64504-3616 Telephone: 816-396-2886

Fax: 816-396-2807

Email: plilly@triumphfoods.com

6. Triumph Foods is still reviewing the Missouri-American testimony and therefore

does not have a position on Missouri-American's request at this time.

WHEREFORE, Triumph Foods prays that it be permitted to intervene in the above-

referenced case and for all the relief to which Triumph Foods is entitled.

- 2 -

/s/ Roger W. Steiner

Karl Zobrist, MO #28325 Roger W. Steiner, MO #39586 Sonnenschein Nath & Rosenthal LLP 4520 Main Street, Suite 1100 Kansas City, MO 64111 Telephone: (816) 460-2545

Facsimile: (816) 531-7545

Email: kzobrist@sonnenschein.com Email: rsteiner@sonnenschein.com

Attorneys for Triumph Foods, LLC

VERIFICATION

STATE OF MISSOURI COUNTY OF BUCHANAN)

Patt Lilly, being of lawful age and duly sworn, states that he is the Chief Administrative Officer for Triumph Foods, LLC, that he has caused the foregoing Application of Triumph Foods, FLC to be prepared, that he has read and reviewed the Application, and that the contents thereof are true and correct to the best of his knowledge and belief.

Sworn to and subscribed before me this. And av of November, 2009.

My commission expires:

MISTY DAWN TAYLOR Notary Public Hotary Seal State of Missouri Commissioned for Buchanan County My Commission Expires: January 03, 2012 Commission Number: 08383752

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was e-mailed on this 30th day of November, 2009, to the persons on the Commission's service list in this case.

/s/ Roger W. Steiner
Attorney for Triumph Foods, LLC

STATE OF MISSOURI



Robin Carnahan Secretary of State

CORPORATION DIVISION CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

TRIUMPH FOODS, LLC LC0078979

was created under the laws of this State on the 27th day of February, 2003, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 13th day of November, 2009

Secretary of State

Certification Number: 12292859-1 Reference:

Verify this certificate online at http://www.sos.mo.gov/businessentity/verification