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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 28th
day of October, 1994.

Ahlstrom Development Corporation, and
Cottonwood Energy Partners, L.P.,

Complainants,

v.

The Empire District Electric Company,
a corporation,

Respondent.

Case No. EC-95-28

ORDER GRANTING PARTICIPATION
WITHOUT INTERVENTION

On September 14, 1994, the Commission issued an order providing notice and establishing a prehearing conference. In that order, an intervention date of October 14, 1994 was set for proper persons to file applications to intervene in this case. Pursuant to this order, Cogentrix Energy, Inc. (applicant or Cogentrix), filed a timely application to participate without intervention.

Applicant states that it is chiefly a developer, owner and/or operator of electric generation facilities and those facilities constitute qualifying cogeneration and small power production facilities (QFs) under PURPA and its amendments. Applicant further states that it is concentrating its marketing efforts in the Midwest and has a present desire to market its cogeneration capacity in the State of Missouri and that it has an interest different than that of the general public.

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On October 25, 1994, Ahlstrom filed a response to Cogentrix's application to participate without intervention. Ahlstrom's response requests that the Commission deny Cogentrix's application or, in the alternative, limit Cogentrix's participation to those interests which Cogentrix identified in its application.

Upon review of Cogentrix's application, the Commission finds that Cogentrix should be allowed to participate without intervention pursuant to 4 CSR 240-2.110(!5) because the contentions of Cogentrix will be reasonably pertinent to the issues already involved in the case and the outcome of this proceeding may establish the precedent under which independent power producers will supply energy. Cogentrix's participation will be limited to an opening statement and the filing of briefs.

IT IS THEREFORE ORDERED:

1. That Cogentrix Energy, Inc. is hereby granted participation without intervention pursuant to 4 CSR 240-2.110(!5) as described in this order.
2. That this order shall become effective on the date hereof.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

McClure, Perkins, Kincheloe
and Crumpton, CC., concur.
Mueller, Chm., absent.