

STEWART & KEEVIL, L.L.C.
ATTORNEYS AT LAW

ORIGINAL

CHARLES BRENT STEWART
JEFFREY A. KEEVIL

1001 CHERRY STREET
SUITE 302
COLUMBIA, MISSOURI 65201-7931

TELEPHONE (573) 499-0635
FACSIMILE (573) 499-0638

June 18, 2003

FILED²

JUN 18 2003

Missouri Public Service Commission
Attn: Secretary of the Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

Missouri Public
Service Commission

Re: Case No. WR-2003-0500

Dear Mr. Roberts:

Please find enclosed for filing in the above-referenced case an original and eight (8) copies of the Application To Intervene filed on behalf of The Empire District Electric Company.

Copies of the filing have on this date been mailed or hand-delivered to counsel for all current parties of record. Thank you.

Sincerely,


Brent Stewart

CBS/bt

Enclosure

cc: Counsel for all parties of record
David W. Gibson

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

ORIGINAL
FILED²

JUN 18 2003

Missouri Public
Service Commission

In the Matter of Missouri-American Water)
Company's Tariff to Revise Water and) Case No. WR-2003-0500
Sewer Rate Schedules.)

APPLICATION TO INTERVENE

COMES NOW The Empire District Electric Company ("Empire"), by and through counsel, and pursuant to the Commission's *Suspension Order and Notice* issued in the above-captioned cause on May 29, 2003 and 4 CSR 240-2.075, for its Application to Intervene respectfully states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri 64801. Empire is engaged in the business of providing electric and water utility services in Missouri to customers in its Commission-authorized service areas and has a certificate of service authority to provide certain telecommunications services.

2. Empire is an "electrical corporation", a "water corporation", a "telecommunications company" and a "public utility" as those terms are defined in Section 386.020 RSMo 2000, and is subject to the jurisdiction and supervision of the Commission as provided by law.

3. Empire has pending or final judgments or decisions against it from state or federal regulatory agencies or courts which involve customer service occurring within three (3) years immediately preceding the filing of this Application. Empire has no overdue Commission annual reports or assessment fees.

4. Empire's documents of incorporation were filed with the Commission in Case No. EF-94-39 and said documents are incorporated herein by reference pursuant to 4

CSR 240-2.060(1)(G). A Certificate of Authority from the Missouri Secretary of State to the effect that Empire, a foreign corporation, is authorized to do business in the State of Missouri, was filed with the Commission in Case No. EM-2000-369 and is incorporated herein by reference.

5. All communications, notices, pleadings, orders and decisions regarding this matter should be sent to:

Charles Brent Stewart
Jeffrey A. Keevil
STEWART & KEEVIL, L.L.C.
1001 Cherry Street
Suite 302
Columbia, Missouri 65201
(573) 499-0625
(573) 499-0638 (fax)
Stewart499@aol.com

David W. Gibson
Vice President-Regulatory
& General Services
The Empire District Electric Company
602 Joplin Street
Joplin, Missouri 64801
(417) 625-5100
(417) 625-5153 (fax)
dgibson@empiredistrict.com

6. On May 19, 2003, Missouri-American Water Company ("MAWC") filed proposed tariff sheets to implement a general rate increase for its water and sewer service customers. On May 29, 2003 the Commission in the above-captioned cause issued its *Suspension Order and Notice* wherein, *inter alia*, the Commission set an intervention date of June 18, 2003. Empire's Application To Intervene in this case, therefore, is timely filed.

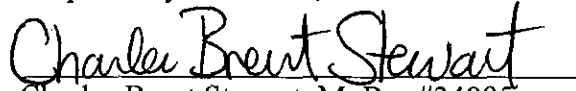
7. Pursuant to 4 CSR 240-2.075(2), Empire states that its interest in this case is in the parties' positions, and the Commission's ultimate decision, relating to MAWC's ultimate rate design. More specifically, Empire intends to propose that MAWC be required to provide Empire with an interruptible rate for water provided to Empire's electric production facility located at 2299 State Line Road, Joplin, Missouri, and if necessary, support such a proposal through the filing of expert testimony during the

evidentiary hearing. Aside from this specific issue and the general issue of rate design, Empire does not oppose the relief sought by MAWC but reserves the right to formulate and present its position or positions on other possible issues which might arise, as needed, during the course of the proceeding.

8. Pursuant to 4 CSR 240-2.075(4), Empire states that its interest in this proceeding is different from the general public because: a) Empire believes itself to be MAWC's largest single retail customer in MAWC's Joplin District; b) because no other MAWC customer in MAWC's Joplin District has the ability to store water purchased from MAWC; and c) because no other party to this proceeding can adequately represent Empire's unique interest in this case. Granting Empire's request for intervention in this proceeding will not unduly burden other parties to the case and will be in the public interest because requiring MAWC to utilize Empire as an interruptible retail customer will permit MAWC to better utilize its existing Joplin District assets and limit the addition of future assets for serving MAWC's other retail customers. Because Empire is very familiar with the regulatory process and the Commission's current regulatory policies, having Empire as a party also will provide the Commission with information relevant and helpful to the Commission reaching its ultimate decision in the case.

WHEREFORE, for all the reasons stated above, The Empire District Electric Company respectfully requests that the Commission grant Empire's Application To Intervene in this proceeding.

Respectfully submitted,



Charles Brent Stewart, MoBar #34885

STEWART & KEEVIL, L.L.C.

1001 Cherry Street, Suite 302

Columbia, Missouri 65201

(573) 499-0635

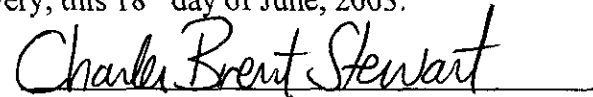
(573) 499-0638 (fax)

Stewart499@aol.com

ATTORNEY FOR THE EMPIRE
DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was sent to counsel for all parties currently of record by depositing same in the United States Mail, first class postage prepaid, or by hand-delivery, this 18th day of June, 2003.



VERIFICATION

State of Missouri)
) ss
County of Jasper)

David W. Gibson being first duly sworn, deposes and states that he is the Vice President-Regulatory and General Services for The Empire District Electric Company and that the foregoing Application To Intervene in Missouri Public Service Commission Case No. WR-2003-0500 is true and correct to the best of his knowledge, information, and belief.

David W. Gibson

Subscribed and sworn to before me this 16th day of June, 2003.

Donna M. Longan
Notary Public

My commission expires: 01-24-04

(seal)

