



Aquila

20 West Ninth Street
Kansas City, Missouri 64105-1711
816-421-6600

January 21, 2003

Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

FILED²

JAN 22 2003

Missouri Public
Service Commission


Re: Case No. EO-2003-0015

Dear Mr. Roberts:

Enclosed for filing please find an original and eight (8) copies of Aquila's Application to Intervene Out of Time.

Please see that this filing is brought to the attention of the appropriate Commission personnel. Thank you for your cooperation with this matter.

Sincerely,


Thomas W. LaBarge
Corporate Counsel

cc: John B. Coffman, Office of the Public Counsel
Steven Dottheim, Office of the General Counsel
Michael A. Rump, Kansas City Power & Light Company
Dean L. Cooper, Brydon, Swearngen & England, P.C.

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

In the Matter of The Empire District Electric)	January 21, 2003
Company Transferring Functional Control)	Case No. EO-2003-0015
Over Transmission Facilities to the Midwest)	
Independent Transmission System Operator, Inc.)	

FILED²
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**Missouri Public
Service Commission**

**AQUILA'S APPLICATION TO
INTERVENE OUT OF TIME**

COMES NOW Aquila, Inc. ("Aquila"), pursuant to Missouri Public Service Commission ("Commission")

Rule 4 CSR 240-2.075, and states as follows as its Application to Intervene Out of Time:

1. Aquila is a Delaware corporation with its principal office and place of business at 20 West 9th Street, Kansas City, MO 64105. Aquila 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 heating company utility service in Missouri in those areas certificated to it by the Commission. A certified copy of Aquila's Amended Certificate of Authority to do business in this state as a foreign corporation was filed with the Commission in Case No. EU-2002-1053 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G). Likewise, copies of the registrations of fictitious name of Aquila Networks-MPS and Aquila Networks-L&P were filed in Case No. EU-2002-1053 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G).

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

3. Aquila has pending or final judgments or decisions against it from state or federal regulatory agencies or courts which involve customer service occurring within the three (3) years immediately proceeding the filing of this application.

4. Aquila has no overdue Commission annual reports or assessment fees.

5. Pleadings, notices, orders and other correspondence and communications concerning this application should be addressed to the undersigned counsel and:

Mr. Dennis Williams, Manager
Missouri Electric Regulatory Affairs
Aquila, Inc.
10700 E. 350 Hwy.
P.O. Box 11739
Kansas City, MO 63138
Telephone: (816) 737-7857
Facsimile: (816) 737-7705
E-mail: denny.williams@aquila.com

6. On July 23, 2002, The Empire District Electric Company ("Empire") filed its application that initiated this case. The Commission issued an Order and Notice on July 26, 2002, which, among other things, directed that any interested party wishing to intervene in this case file an application no later than August 23, 2002. Because this date has passed, Aquila seeks to intervene in this matter out of time. Commission Rule 4 CSR 240-2.075(5) states that applications to intervene filed after the intervention date may be granted upon a showing of good cause.

7. On January 10, 2003, the Commission Staff filed its recommendation wherein it stated, among other things, that Empire's application should only be granted if Empire accepts certain proposed conditions. On January 14, 2003, the Public Counsel filed its recommendation wherein it also suggested that Empire's application only be approved if Empire agrees to comply with those same Staff conditions.

8. In consideration of Orders issued by, and Rule Making proceedings pending at, the FERC, Aquila intends to join the Regional Transmission Organization ("RTO") that will result from the merger of the Southwest Power Pool ("SPP") and the Midwest Independent Transmission System Operator ("MISO"). The RTO resulting from the merger of SPP and MISO is currently referred to as the "Resulting Company".

9. As an electric public utility subject to the jurisdiction of both this Commission and FERC, Aquila has an interest in this matter and the recommendations submitted by Staff. Since Aquila anticipates filing an application with the Commission to transfer functional control of its transmission facilities to the Resulting Company, the Staff recommendations and any Commission Order regarding those recommendations will likely have some practical impact on Aquila's application. Accordingly, Aquila's interest in this proceeding is different from that of the general public and may be adversely affected by a final Commission Order in this matter.

10. Additionally, Aquila's intervention will serve the public interest. Permitting Aquila to express its opinion as to those Staff conditions in this case will provide for a more efficient and timely review of the issues

raised.

11. Aquila seeks to intervene in this matter for the purpose of addressing the conditions proposed in the Staff Recommendation. Aquila opposes certain conditions proposed by Staff for the transfer of functional control of transmission facilities owned by The Empire District Electric Company to the Resulting Company.

12. The interest Aquila has in this proceeding, the efficiency to be gained by permitting Aquila to comment on the Staff's proposed conditions in this case and the fact that Aquila's participation in this matter will not delay or hinder these proceedings, since a procedural schedule has not yet been proposed or ordered in this case, constitute good cause to grant Aquila's application to intervene.

WHEREFORE, Aquila prays that the Commission issue its order granting Aquila permission to intervene out of time in the above-entitled matter.

Respectfully submitted,



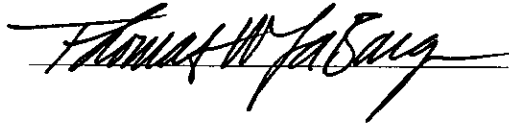
Thomas W. LaBarge Mo Bar # 50121
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ATTORNEY FOR AQUILA, INC.

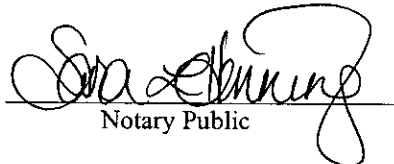
VERIFICATION

State of Missouri)
) ss
County of Jackson)

Thomas W. LaBarge, being first duly sworn, deposes and states that the aforesaid application is true and correct to the best of his knowledge, information, and belief.



Subscribed and sworn to before me this 21st day of January, 2003.

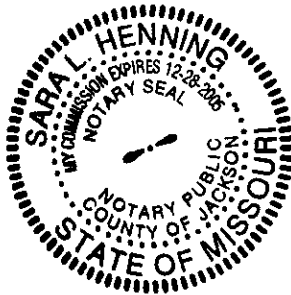


Notary Public

My Commission expires:

12/28/2005

SARA L. HENNING
Notary Public-Notary Seal
STATE OF MISSOURI
County of Jackson
My Commission Exp. 12/28/2005



CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was, on this 21st day of January, 2003, sent via U.S. Mail, postage prepaid, to the following:

John B. Coffman
Office of the Public Counsel
Governor State Office Building
6th Floor
Jefferson City, MO 65101

Steven Dottheim
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Governor State Office Building
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Jefferson City, MO 65101

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Jefferson City, MO 65102-0456

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Kansas City, MO 64141-9679