

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of The Empire)	
District Electric Company for Authority to)	
Transfer Functional Control of Certain)	<u>Case No. EO-2006-0141</u>
Transmission Assets to the Southwest Power)	
Pool, Inc.)	

ORDER GRANTING INTERVENTION
AND SETTING PREHEARING CONFERENCE

Issue Date: November 4, 2005

Effective Date: November 4, 2005

On September 28, 2005, The Empire District Electric Company filed an application for authority to transfer functional control of certain transmission assets to the Southwest Power Pool, Inc. Thereafter, Aquila, Inc., Southwest Power Pool, Inc., and Midwest Independent Transmission System Operator, Inc. filed applications to intervene. On November 1, 2005, the Staff of the Commission filed a pleading addressing the applications to intervene.

Staff states that Aquila is directly interconnected with The Empire District and that any determination by the Commission regarding The Empire District's application will have a direct effect on Aquila. Staff adds that MISO will be affected as it has negotiated certain "territorial" agreements with the Southwest Power Pool. The Commission further notes that SPP's interest in this matter is evident.

Commission rule 4 CSR 240-2.075 states that the Commission may grant applications to intervene upon a showing that the proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case. The Commission has reviewed the applications to

intervene and Staff's response thereto. No party opposes the applications. The Commission, therefore, finds that Aquila, MISO and SPP have interests which are different from that of the general public, and that such interests may be adversely affected by a final order of the Commission. Hence, the Commission will grant the requests to intervene.

Also, as suggested by Staff, for the purpose of developing a proposed procedural schedule, the Commission will set this matter for a prehearing conference.

IT IS THEREFORE ORDERED:

1. That the applications to intervene, filed by Aquila, Inc., Midwest Independent Transmission System Operator, Inc., and Southwest Power Pool, Inc., are granted.

2. That a prehearing conference shall be held on December 1, 2005, beginning at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

3. That this order shall become effective on November 4, 2005.

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of November, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary