

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 17th day
of May, 2007.

In the Matter of the Joint Application of Great Plains)	
Energy Incorporated, Kansas City Power & Light)	
Company, and Aquila, Inc., for Approval of the Merger)	<u>Case No. EM-2007-0374</u>
of Aquila, Inc., with a Subsidiary of Great Plains)	
Energy Incorporated and for Other Related Relief.)	

ORDER GRANTING APPLICATION TO INTERVENE

Issue Date: May 17, 2007

Effective Date: May 17, 2007

On April 4, 2007, Great Plains Energy Incorporated, Kansas City Power & Light Company, and Aquila, Inc., filed a joint application with the Missouri Public Service Commission requesting authority for a series of transactions whereby Aquila will become a direct, wholly owned subsidiary of Great Plains Energy. On April 9, 2007, the Commission issued an order giving notice of the application and setting an intervention deadline.

On April 30, 2007, an application to intervene was filed by Frank Dillon, Kimberly Miller, James E. Doll, Randy Cooper, Gary Crabtree, Eric Thompson, and Allen Bockelman (collectively, the "South Harper Residents"). In their application, the South Harper Residents state that they each, with the exception of Allen Bockelman, reside on property adjacent to or in close proximity to an electrical peaking facility commonly known as the "South Harper Power Plant." Mr. Bockelman resides on property adjacent to a related electric substation known as the "Peculiar Substation."

The South Harper Residents further state that they are currently involved in pending appeals from the Commission's decision in EA-2006-0309, as well as certain civil court claims against Aquila with regard to the alleged loss of value of their property value and alleged nuisances. The South Harper Residents state that their interests could be adversely affected by the proposed merger or by Commission decisions in this matter. The South Harper Residents do not explain how their interests might be affected. Further, the South Harper Residents state without explanation that it would serve the public interest to allow their intervention in the case.

On May 4, 2007, Aquila, Inc., filed an objection to the South Harper Residents' Application to Intervene. Aquila requested that the Commission deny the application to intervene.

The South Harper Residents filed a reply to Aquila's response on May 14, 2007. In their reply, the South Harper Residents argue that the result of the merger case will affect what entity they may need to proceed against in civil court and could make proceeding with their action more difficult. The South Harper Residents allege that they have an interest that is different from the "ratepaying public" which is typically represented by the Office of the Public Counsel and that Public Counsel may not be able to adequately represent their interests.

On May 16, 2007, Aquila filed a further reply. Aquila argues that "the issue is not relevant to the matters properly before the Commission, the stated concern is not one that will be impaired by the proposed transaction and the South Harper Residents do not need to be parties to this case in order to obtain the information they seek."

Any interests of the general public are typically represented by the Office of the Public Counsel. The Commission determines, however, that the South Harper Residents have stated how their interests *in this proceeding* differ from those of the general public. The Commission finds that the South Harper Residents have adequately explained how their interests in the appeal of Case No. EA-2006-0309 or other private civil actions against Aquila could be adversely affected by a decision in this matter.

Commission rule 4 CSR 240-2.075 governs intervention before the Commission. That rule states that the Commission may allow a party to intervene if (1) the proposed intervenor has an interest that is different from that of the general public and that may be adversely affected by a final order arising from the case, or (2) granting the proposed intervention would serve the public interest. Upon review of the application and the reply, the Commission finds that the South Harper Residents have demonstrated how their interests, which are different from those of the general public, will be adversely affected by a decision of the Commission in this matter. Therefore, the Commission shall grant the application to intervene.

IT IS ORDERED THAT:

1. The application to intervene filed on April 30, 2007, by Frank Dillon, Kimberly Miller, James E. Doll, Randy Cooper, Gary Crabtree, Eric Thompson, and Allen Bockelman is granted and they are made parties to this case.

2. This order shall become effective on May 17, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Gaw, Clayton,
and Appling, CC., concur.
Murray, C., dissents.

Dippell, Deputy Chief Regulatory Law Judge