

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Kansas City Power & Light Company)	EF-2008-0214
for Authority to Issue Debt)	
Securities)	

APPLICATION TO INTERVENE BY PRAXAIR, INC,

COMES NOW PRAXAIR, INC. ("Praxair") pursuant to 4 C.S.R. 240-2.075 and applies to intervene herein and become a party hereto for all purposes in respect to the application to issue debt securities by Kansas City Power & Light Company ("KCPL") on December 27, 2007. In support, Praxair respectfully states:

1. Praxair is a large industrial electric customer of Empire. Praxair operates a major air liquefaction and constituent gas separation facility in Kansas City in KCPL's service territory. Praxair is the successor in interest to the Linde Division of Union Carbide Corporation.

2. Through Praxair's own prior interventions and those of its predecessor, Praxair's interests in proceedings affecting the rates, terms and conditions of electric service from KCPL have been previously recognized by the Missouri Public Service Commission in permitting Praxair's intervention in prior rate design and electric rate proceedings concerning KCPL, including the recently concluded regulatory plan case, EO-2005-0329, sometimes termed the "comprehensive energy plan" or "CEP."

3. Correspondence or communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

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4. On December 27, 2007 KCPL applied for permission to increase its authorization to issue debt securities **from \$635 million to \$1.4 billion**, purportedly in support of its CEP.^{1/} Praxair is an interruptible customer of KCPL but is uncertain regarding KCPL's position as to its status under prior tariffs and arrangements.

5. This requested change in debt authorization is of concern to Praxair. The makeup of KCPL's capital structure is presently problematic and was an issue in KCPL's last rate case, Case No. ER-2007-0291. At the same time, Praxair operates in a highly competitive commercial environment and increases to electric power costs have a decided effect upon Praxair's competitive position in its market. As an interruptible customer, Praxair's interest in the terms and conditions of service, and in KCPL's rates is direct, immediate, unique, different from that of

^{1/} The earlier authorization was stated to have been issued in Case No. EF-2005-0498, also purportedly in concert with the approval of the CEP.

the general public, and will not or cannot adequately be represented by any other party. Therefore, it will aid the Commission and protect and advance the public interest that Praxair be permitted to intervene in this proceeding to protect its interest which no other party is in a position properly to protect and adequately represent.

6. For purposes of 4 C.S.R. 240-2.075(2), Praxair states that it opposes the discriminatory and non-cost-based pricing of electricity and related utility services. Praxair has only begun review of the specifics of KCPL's application but is concerned about the level of debt that KCPL may be carrying in view of its ongoing efforts, not only to continue construction of Iatan Unit 2 and the other environmental retrofits at LaCygne generating station to which KCPL is committed pursuant to the CEP, but with KCPL's simultaneous efforts to acquire another utility.

WHEREFORE, Praxair prays: (a) that it be permitted to intervene herein and be made a party hereto with all rights to have notice of and participate in hearings to present evidence, cross-examine witnesses, file briefs and participate in argument,

should any be had; and (b) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

A handwritten signature in black ink, appearing to read "Stuart W. Conrad", is written over a horizontal line.

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ATTORNEYS FOR PRAXAIR, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means, by United States Mail, First Class postage prepaid, or by hand delivery to all known parties in interest upon their respective representatives or attorneys of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.



Stuart W. Conrad

Dated: January 23, 2008