

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

In the Matter of the Application of	)	
Kansas City Power & Light Company	)	
for Authority to Transfer Functional Control	)	Case No. EO-2006-0142
of Certain Transmission Assets to the	)	
Southwest Power Pool, Inc.	)	

**APPLICATION TO INTERVENE**

COMES NOW The Empire District Electric Company (Empire), and, pursuant to Missouri Public Service Commission (Commission) Rule 4 CSR 240-2.075, and the Commission's Order and Notice, states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street (P.O. Box 127), Joplin, Missouri 64801 (64802). Empire is engaged in the business of providing electric and water utility services in Missouri to customers in its 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 the three (3) years immediately preceding the filing of this application. Empire has a general rate case pending before the Commission in Case No. ER-2004-0570. 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 in accordance with 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 also incorporated by reference.

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

Mr. Bary K. Warren  
The Empire District Electric Company  
602 Joplin Street  
P.O. Box 127  
Joplin, MO 64802  
Telephone: (417) 625-4234  
Facsimile: (417) 625-4251  
E-mail: bwarren@empiredistrict.com

Mr. Mike Palmer  
The Empire District Electric Company  
602 Joplin Street  
P.O. Box 127  
Joplin, MO 64802  
Telephone: (417) 625-4250  
Facsimile: (417) 625-5153  
E-mail: mpalmer@empiredistrict.com

6. On September 28, 2005, Kansas City Power & Light Company (KCPL) filed an application to join the Southwest Power Pool, Inc. (SPP). On the same date, Empire also filed an application to join the SPP. The Commission established this case for KCPL's application and identified Empire's application as Case No. EO-2006-0141. The Commission issued an Order and Notice in this case on November 4, 2005, wherein the Commission ordered that any interested party wishing to intervene do so no later than November 18, 2005.

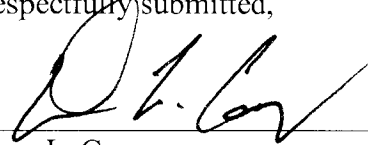
7. As stated above, Empire is also pursuing a similar application to transfer functional control of certain transmission facilities to the SPP and continue participation in the SPP. These applications contain very similar issues and requests related to transmission questions. In fact, the prehearing conferences for the KCPL and Empire applications have been set by the Commission at the same date, time and place. As of this date, the parties seeking intervention have been identical in the two cases. Accordingly, Empire is interested in the issues in the KCPL application, as they will likely have some implication for Empire's application as

well as business impacts to Empire due to the joint ownership relationship with KCPL in the Iatan I and proposed Iatan II base load projects.

8. For the reasons stated above, Empire 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. Additionally, Empire's status as a public utility and its interests in the subjects of this case indicate that its intervention would serve the public interest.

WHEREFORE, Empire prays that the Commission issue its order granting it permission to intervene in the above-entitled matter.

Respectfully submitted,



Dean L. Cooper MBE #36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 voice  
(573) 635-3847 facsimile  
Email: dcooper@brydonlaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

## CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered, or sent by electronic mail, on November 17<sup>th</sup>, 2005, to the following:

Steve Dottheim  
Office of the General Counsel  
Governor Office Building, 8<sup>th</sup> Floor  
Jefferson City, Mo 65101

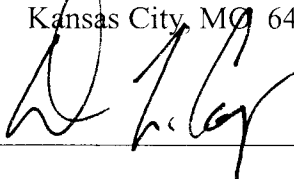
Lewis Mills  
Office of the Public Counsel  
Governor Office Building, 6<sup>th</sup> Floor  
Jefferson City, MO 65101

Karl Zobrist  
4520 Main Street, Suite 1100  
Kansas City, MO 64111

David Linton  
424 Summer Top Lane  
Fenton, MO 63026

Paul Boudreau  
312 E. Capitol Avenue  
Jefferson City, MO 65101

Curtis D. Blanc  
1201 Walnut, 20<sup>th</sup> Floor  
Kansas City, MO 64106



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