

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of Aquila, Inc., for )  
Permission and Approval and a Certificate of Public )  
Convenience and Necessity Authorizing it to Acquire, )  
Construct, Install, Own, Operate, Maintain, and )  
Otherwise Control and Manage Electrical Distribution )  
Substation and Related Facilities in Kansas City, )  
Jackson County, Missouri (Near the City of Raymore). )

**Case No. EA-2006-0499**

### **ORDER GRANTING INTERVENTION**

Issue Date: August 15, 2006

Effective Date: August 15, 2006

On June 23, 2006, Aquila, Inc. filed with the Missouri Public Service Commission an application as described in the caption of this order. On June 28, the Commission issued an Order and Notice setting a deadline for intervention requests. The Order also directed the parties to file briefs addressing the issue of whether it was necessary that Aquila seek authority from the Commission to construct the proposed facility. Kansas City Power & Light Company filed a timely application to intervene. No party opposes KCPL's application.

In its application, KCPL states that its interest, which is different from that of the general public, cannot be represented by any other party. KCPL goes on to state that "actions taken by the Commission in this proceeding may substantially affect KCPL's legal and financial interests." Finally, KCPL states that it is unnecessary for Aquila to seek the relief it seeks in this matter.

Commission rule 4 CSR 240-2.075 governs interventions. Generally, the rule states that if an applicant seeking intervention states its interest in the case and its position in the

matter, then the Commission may permit intervention upon the showing that the proposed intervenor has an interest which is different from the general public and that such interest may be adversely affected by a decision of the Commission.

The Commission finds that KCPL has satisfied the Commission's rule and, because no party opposes KCPL's intervention, will grant the requested relief. The Staff of the Commission and Aquila have filed briefs as described above. The Commission will therefore require KCPL to do the same.

**IT IS ORDERED THAT:**

1. The application to intervene in this matter, filed by Kansas City Power & Light Company is granted.
2. Kansas City Power & Light Company shall file, no later than August 30, 2006, a legal brief on the issue of whether Aquila, Inc. must seek Commission approval to construct the proposed facility.
3. This order shall become effective on August 15, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 15th day of August, 2006.