

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Aquila, Inc., d/b/a)	
Aquila Networks – MPS and Aquila Networks – L&P)	
for Authority to Transfer Operational Control of Certain)	<u>Case No. EO-2008-0046</u>
Transmission Assets to the Midwest Independent)	
Transmission System Operator, Inc.)	

ORDER GRANTING LATE-FILED APPLICATION TO INTERVENE

Issue Date: November 13, 2007

Effective Date: November 13, 2007

On August 20, 2007, Aquila, Inc., d/b/a Aquila Networks – MPS and Aquila Networks – L&P (“Aquila”) filed an application with the Missouri Public Service Commission for authority to transfer operational control of certain transmission assets to the Midwest Independent Transmission System Operator, Inc.

The Commission issued notice of that filing on August 28, 2007, and established September 17 as the deadline for submission of requests to intervene. On October 30, 2007, the City of Independence, Missouri (“Independence”) filed a late application to intervene. In support of its application Independence stated that it has a unique interest in this case as it: 1) owns and operates a municipal electric utility providing electric service to the residents and business within the city limits; 2) owns and operates 22 miles of 161 kilovolt and 45 miles of 69 kilovolt transmission lines, and more than 750 miles of distribution power lines; 3) acquires much of the power needed to meet its customers’ demands from resources and suppliers located outside the city limits; 4) has direct physical interconnections with Aquila and other electric utilities; 5) has an existing wholesale power

purchase agreement with Aquila; and 6) is a member of an organization with an ownership interest in latan 2.

In further support of its application, Independence filed a supplement to that application on October 31, 2007. In the supplemental filing, Independence informed the Commission that it was only now seeking intervention because it only recently found out about Aquila's application in this case. Specifically, Independence is a party to Commission Case No. EM-2007-0374 in which Aquila and Great Plains Energy are seeking Commission approval to merge. Independence learned about this proceeding from a response to a data request in EM-2007-0374. The Commission finds Independence's explanation as to why it filed its application to intervene out of time to be reasonable. More than ten days have passed since Independence filed its application and supplement thereto, and no party has objected to its intervention request.

The Commission finds that Independence has an interest in this case that is different than that of the general public and that its interest may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing the applicant to intervene will serve the public interest. Therefore, in accordance with 4 CSR 240-2.075(4), the Commission will grant the application to intervene.

IT IS ORDERED THAT:

1. The City of Independence Missouri's Application to Intervene Out of Time is granted.

2. This order shall become effective on November 13, 2007.

BY THE COMMISSION

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

Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of November, 2007.