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June 22, 2004

Mr. Dale Hardy Roberts, Secretary
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

FILED

JUN 22 2004

Re: Case No. ER-2004-0570

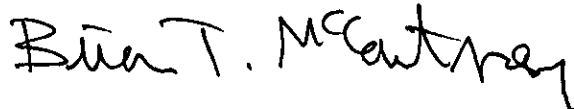
**Missouri Public
Service Commission**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter, please find an original and eight copies of the Application of Aquila, Inc. To Intervene Out of Time.

Please see that this filing is brought to the attention of the appropriate Commission personnel. A copy of this filing is being provided to parties of record. If there are any questions, please direct them to me at the above number. I thank you in advance for your cooperation in this matter.

Sincerely,



Brian T. McCartney

BTM/da

Enclosure

cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JUN 22 2004

Missouri Public
Service Commission

In the Matter of the Tariff Filing of The)
Empire District Electric Company to)
Implement General Rate Increase for) Case No. ER-2004-0570
Retail Electric Service Provided to)
Customer in its Missouri Service Area)

**APPLICATION OF AQUILA, INC.
TO INTERVENE OUT OF TIME**

COMES NOW, Aquila, Inc. ("Aquila"), pursuant to 4 CSR 240-2.075, and for its application to intervene in the above-captioned matter states to the Missouri Public Service Commission (Commission) as follows:

I. APPLICANT

1. Aquila is a Delaware corporation with its principal office located at 20 West 9th, Kansas City, MO 64105. Aquila is authorized to conduct business in Missouri and is engaged in providing electrical, natural gas and heating company utility service in Missouri in those areas certificated to it by the Commission. A certified copy of Aquila's Amended Certificate of Authority to do business in this state as a foreign corporation was filed with the Commission in Case No. EU-2002-1053 and is incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G).

II. DEPRECIATION ISSUE/GOOD CAUSE

2. Aquila's interest in this case is different from that of the general public and may be adversely impacted by a final order arising from this case. Specifically, Aquila has an interest in the Commission's treatment of depreciation of Empire's electric plant. Aquila seeks the opportunity to provide evidence and legal briefing on this issue.

Aquila's interest cannot be represented adequately by any other party to this proceeding.

3. This application is being filed after the deadline for intervention. Aquila has contacted representatives of The Empire District Electric Company ("Empire"), and Empire has expressed no objections to Aquila's intervention. Aquila believes intervention at this early stage of the proceeding will not disrupt the proceeding or adversely affect any party's interest. Aquila will accept the record of this proceeding as it currently exists and is prepared to comply with the procedural schedule.

WHEREFORE, Aquila respectfully requests that the Commission grant this Application to Intervene out of time and grant such other relief as is appropriate.

Respectfully submitted,



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Attorney for Aquila, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 22nd day of June, 2004, served the foregoing Application of Aquila, Inc. to Intervene Out of Time either by electronic means, or by U.S. Mail, postage prepaid addressed to all parties by their attorneys of record as provided by Secretary of Commission as shown.

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