

**FINNEGAN, CONRAD & PETERSON, L.C.**

**ATTORNEYS AND COUNSELORS AT LAW**

1209 PENNTOWER OFFICE CENTER  
3100 BROADWAY  
KANSAS CITY, MISSOURI 64111

(816) 753-1122  
TELECOPIER (816) 756-0373

Internet: stucon@fcplaw.com

JEREMIAH FINNEGAN, P.C.  
STUART W. CONRAD  
C. EDWARD PETERSON\*

\*ALSO ADMITTED IN  
KANSAS AND MASSACHUSETTS

Writer's 24-Hour Number:  
(800)821-5073 PIN:247-4501

November 27, 2000

FEDERAL EXPRESS

Mr. Dale H. Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, Missouri 65101

**FILED<sup>2</sup>**  
NOV 28 2000  
Missouri Public  
Service Commission

Re: **UtiliCorp United Inc. d/b/a Missouri Public Service  
Company  
Commission Case No. ER-2001-294**

Dear Mr. Roberts:

Enclosed are the original and eight (8) conformed copies of **Application to Intervene of Sedalia Industrial Energy Users' Association**, which please file in the above matter and call to the attention of the Commission.

An additional copy of the **INITIAL PAGE** of the material to be filed is enclosed, which kindly mark as received and return to me in the enclosed envelope as proof of filing.

Thank you for your attention to this important matter. If you have any questions, please call.

Sincerely yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By: 

Stuart W. Conrad

SWC:s  
Enclosures  
cc: All Parties

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

NOV 28 2000

Missouri Public  
Service Commission

ER-2001-294

In the matter of the Tariff Filing       )  
of UtiliCorp United Inc. d/b/a           )  
Missouri Public Service Company for       )  
an automatic natural gas adjustment       )  
clause                                        )

APPLICATION TO INTERVENE  
OF  
SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION

Comes Now SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION  
(hereinafter SIEUA) and 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 filing by UtiliCorp United Inc. d/b/a  
Missouri Public Service Company (MoPub). In support of this  
motion, SIEUA respectfully shows the following:

1. SIEUA is an unincorporated voluntary association  
consisting of large commercial and industrial users of natural  
gas and electricity in the Sedalia, Missouri and in the surround-  
ing area. SIEUA was formed for the purpose of economical repre-  
sentation of its members' interests through intervention and  
other activities in regulatory and other appropriate proceedings.

2. Current members of SIEUA are as follows: **Pitts-  
burgh Corning Corporation**, a manufacturer of cellular glass  
insulation at its manufacturing facility in Sedalia, Missouri  
where roughly 160 workers are employed; **Waterloo Industries**, a  
manufacturer of tool storage equipment and employer of approxi-

mately 650 workers at its manufacturing facility in Sedalia, Missouri; **Hayes Lemmerz International** employs roughly 800 workers at its Sedalia, Missouri facility where it manufactures automobile wheels; **Hawker Industries, Inc.** employs approximately 500 persons in its industrial battery manufacturing facility in nearby Warrensburg, Missouri; **Alcan Cable Co.** manufactures aluminum electrical conductors and employs 250 persons in its Sedalia, Missouri operation; **Gardner Denver Corporation** employs 320 workers at its Sedalia works where it makes industrial compressors and blowers; **American Compressed Steel Corporation** employs 35 workers in scrap metal recycling at its facility near Sedalia, Missouri; and **Stahl Specialty Company**, a major United States manufacturer of specialty and precision aluminum castings at facilities located in Warrensburg and Kingsville, Missouri, where approximately 1,100 workers are employed. Collectively, these SIEUA members provide gainful employment for approximately 3,815 workers in central Missouri.

3. SIEUA's interests in proceedings affecting the rates, terms and conditions of electric service from MoPub have been previously recognized by the Missouri Public Service Commission in permitting SIEUA's intervention in numerous rate design and electric rate proceedings concerning MoPub, including without limitation the last series of MoPub rate increase cases.

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

Stuart W. Conrad, Esq.  
FINNEGAN, CONRAD & PETERSON, L.C.  
1209 Penntower Office Center  
3100 Broadway  
Kansas City, Missouri 64111  
Voice: (816) 753-1122  
Fax: (816) 756-0373  
E-mail: stucon@fcplaw.com

5. On November 2, 2000 MoPub filed a proposed tariff with the Commission purporting to authorize MoPub in vary the amount is charges its customers for electricity based upon an automatic adjustment mechanism described in the proposed tariff. Forecasted prices, estimates as regards usage and proposed sales are all included in the proposed tariff. The essential reason stated for the filing is an increase in the cost of natural gas that MoPub uses for part of its generation.

6. SIEUA members are vitally interested in this proposed tariff, in its terms and conditions, and its impact on ratepayers generally and upon their operations specifically. As major electric customers of MoPub, SIEUA members are in a position to be directly affected by the proposed tariff surcharge and may be bound or adversely affected by any Commission order issued in this proceeding. Because MoPub provides electricity to SIEUA members on under separate contracts or rate schedules and because of SIEUA members' size and load factor, these companies are in

the special and unique position of representing an interest which will not and cannot be represented adequately by any other party and which interest is direct and immediate and differs from that of the general public. Therefore, it will aid the Commission and protect and advance the public interest that SIEUA be permitted to intervene in this proceeding so as to protect its members' interest which no other party is in a position properly to protect and adequately represent.

7. For purposes of 4 C.S.R. 240-2.075(2), SIEUA states that it is opposed to the discriminatory pricing of electricity and related utility services. Further, SIEUA states that the proposed tariff appears to be in violation of the holding of the Missouri Supreme Court in *State ex rel. Utility Consumer Council of Missouri v. Public Service Commission*, 585. S.W.2d 41 (Mo. en banc 1979) in which case the court held that the Commission lacked statutory authority to approve or implement such automatic adjustment clauses such as proposed by MoPub by this filing.

WHEREFORE, SIEUA prays: (a) that the proposed tariff filing of November 2, 2000 be **suspended** for the full statutory period allowed and thereupon subjected to a full and thorough investigation and analysis; (b) that a procedural schedule be adopted providing for a hearing and the filing of exhibits and testimony; (c) that following such investigation the matter be set for hearing before the Commission in which the applicant

utility shall be put to its proof regarding the need for the proposed tariff and all aspects of its proposed methodology of recovery; and (d) that SIEUA 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 (e) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

A large, stylized handwritten signature in black ink, likely belonging to Stuart W. Conrad, is written over the firm name.

Stuart W. Conrad Mo. Bar #23966  
3100 Broadway, Suite 1209  
Kansas City, Missouri 64111  
(816) 753-1122  
Facsimile (816) 756-0373  
Internet: stucon@fcplaw.com

ATTORNEYS FOR SEDALIA INDUSTRIAL  
ENERGY USERS' ASSOCIATION

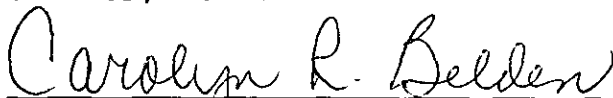
VERIFICATION

STATE OF MISSOURI     )  
                               )   ss.  
 COUNTY OF JACKSON    )

Comes now Stuart W. Conrad, and having been first duly sworn, states that he is counsel for the within applicant for intervention and has been duly authorized by appropriate authorities thereof to file this application; that he has read and is familiar with the contents thereof and that the statements therein made are true and correct to the extent of his knowledge, information and belief.

  
 Stuart W. Conrad

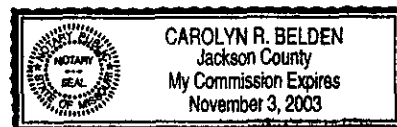
IN WITNESS WHEREOF, I have hereunto set my hand and my official seal at my office in Kansas City, Jackson County, Missouri on this 27th day of November, 2000.

  
 Notary Public Within and for  
 said County and State

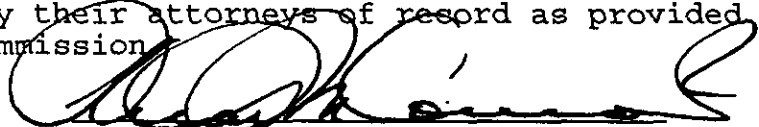
(SEAL)

My Commission Expires:

Nov. 3, 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid addressed to all parties by their attorneys of record as provided by the Secretary of the Commission

  
 Stuart W. Conrad

Dated: November 27, 2000