

**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**

December 12, 2000

**FILED<sup>2</sup>**

**DEC 13 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**

**Missouri Public  
Service Commission**

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

**Dear Mr. Roberts:**

Enclosed are the original and eight (8) conformed copies of a pleading, which please file in the above matter and call to the attention of the Commission.

An additional copy 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>  
DEC 13 2000

Missouri Public  
Service Commission

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                                     )

ER-2001-294

JOINDER IN APPLICATION TO INTERVENE  
OF  
SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION  
AND APPLICATION TO INTERVENE BY  
WIRE ROPE CORPORATION OF AMERICA, INC. AND  
TRANSWORLD AIRLINES, INC.

COME NOW WIRE ROPE CORPORATION OF AMERICA, INC, ("Wire Rope") and TRANSWORLD AIRLINES, INC. ("TWA") and pursuant to 4 C.S.R. 240-2.075 join in the previously timely filed Application to Intervene of the Sedalia Industrial Energy Users' Association ("SIEUA") in respect to the filing by UtiliCorp United Inc. d/b/a Missouri Public Service Company (MoPub). In support of this Joinder and Application, Wire Rope and TWA respectfully show the following:

1. Wire Rope is a national and international manufacturer of high quality steel wire and cable at several manufacturing locations in Missouri including Sedalia, Missouri. At its Sedalia facility, Wire Rope is an electrical customer of MoPub.

2. TWA is a national and international air carrier based in St. Louis, Missouri and operates a large maintenance facility and other support facilities in and around Kansas City

International Airport. At the aforesaid facilities, TWA is an electrical customer of MoPub.

3. Both Wire Rope and TWA utilize substantial quantities of electric energy at their respective facilities and receive service from MoPub at voltage levels and other conditions that make their respective services substantially different from that of the general public.

4. Wire Rope and TWA seek to join in the previously filed Application to Intervene by SIEUA and will be represented herein by the same counsel.

5. Wire Rope and TWA incorporate by reference the assertions in Paragraph 5 of the Application to Intervene filed herein by SIEUA.

6. Wire Rope and TWA 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, Wire Rope and TWA 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 Wire Rope and TWA under separate contracts or rate schedules and because of their 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 statutory parties and which interests are direct and immediate and differ

from that of the general public. Therefore, it will aid the Commission and protect and advance the public interest that Wire Rope and TWA be permitted to intervene in this proceeding jointly with SIEUA so as to protect that interest.

7. For purposes of 4 C.S.R. 240-2.075(2), Wire Rope and TWA state that they are opposed to the discriminatory pricing of electricity and related utility services. Further, Wire Rope and TWA state 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, Wire Rope and TWA pray: (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 Wire Rope and TWA be permitted to intervene herein with SIEUA and be made parties 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.

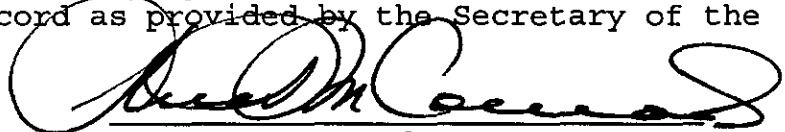


Stuart W. Conrad Mo. Bar #23966  
3100 Broadway, Suite 1209  
Kansas City, Missouri 64111  
(816) 753-1122  
Facsimile (816) 756-0373  
Internet: stucon@fcplaw.com

ATTORNEYS FOR WIRE ROPE CORPORATION  
OF AMERICA, INC. and TRANSWORLD  
AIRLINES, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading 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: December 12, 2000