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July 20, 2001

FILED

JUL 20 2001

Missouri Public
Service Commission

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. ER-2001-672
Tariff No. 2001 01173

Dear Judge Roberts:

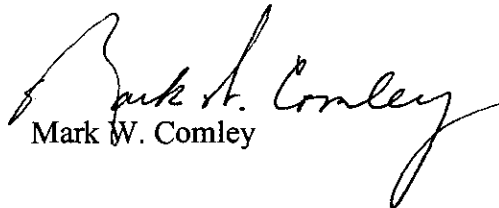
Please find enclosed for filing in the referenced matter an original and eight copies of an Application to Intervene Out of Time.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
William D. Geary
All parties of record

FILED

JUL 20 2001

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of the Tariff Filing of Missouri Public)	
Service (MPS), a Division of UtiliCorp United, Inc.,)	Case No. ER-2001-672
to Implement a General Rate Increase for Retail)	Tariff No. 200101173
Electric Service Provided to Customers in the)	
Missouri Service Area of MPS.)	

APPLICATION TO INTERVENE OUT OF TIME

COMES NOW The City of Kansas City, Missouri, pursuant to 4 CSR 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene Out of Time respectfully states:

1. The City of Kansas City, Missouri (the City), is a municipal corporation and political subdivision of the State of Missouri.

2. Correspondence, communications, orders and decision in this matter should be addressed to:

William D. Geary
Assistant City Attorney
2700 City Hall
414 E. 12th St.
Kansas City, MO 64106

Mark W. Comley
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537

3. This case was established on June 8, 2001, when Missouri Public Service (MPS or Company), a division of UtiliCorp United, Inc., (UtiliCorp) submitted to the Commission proposed tariff sheets intended to implement a general rate increase for electric service provided to retail customers in the state of Missouri.

4. On June 21, 2001, the Commission entered an order setting July 11, 2001 as the intervention deadline. This application is therefore untimely by nine days.

5. Although notice of this case was received by the City, the notice did not reach the office of the City Attorney until after the deadline for intervention had passed, so that action by the legal department has been delayed. Additionally, the City technical personnel who are responsible for evaluating the filings made by public utilities that operate in and around the City have recently been involved in several cases pending before the Commission including, *In the Matter of Tariff Revisions of Missouri Gas Energy, a Division of Southern Union Company, Designed to Increase Rates for Natural Gas Service to Customers in the Missouri Service Area of the Company*, Case No. GR-2001-292; and *In the Matter of the Application of Kansas City Power & Light Company for an Order Authorizing its Plan to Reorganize Itself into a Holding Company Structure*, Case No. EM-2001-464. The attention paid these cases kept personnel from review and consideration of the instant filing until recently.

6. The City is itself a large consumer of energy supplied by MPS. Notably, MPS is the electric supplier for the Kansas City International Airport, which is a facility under the control and supervision of the Aviation Department of the City. The City has an interest in the outcome of this proceeding, and an interest different from that of the general public.

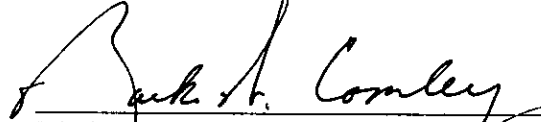
7. At this time, the City is unsure of the position it will take on the merits of UtiliCorp's filing.

8. Granting the proposed intervention would serve the public interest. This motion is filed not for purposes of delay, and if the Commission should grant this application, neither the parties nor the Commission will be prejudiced. No procedural schedule has been adopted in this case

and the issues have not yet been fully joined. Despite the City's entry into the case at this time, there will be sufficient time for any discovery the parties may intend with respect to the City. The City asserts that its intervention will be of assistance to the Commission in its deliberations, and should be accepted out of time for good cause, and the interest of fairness and justice.

WHEREFORE, for the foregoing reasons, the City of Kansas City, Missouri, respectfully requests that the Commission grant its Application to Intervene Out of Time in this matter, and thereby entitle the City to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the arguments, and in all other respects fully participate in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark W. Comley", is written over a horizontal line.

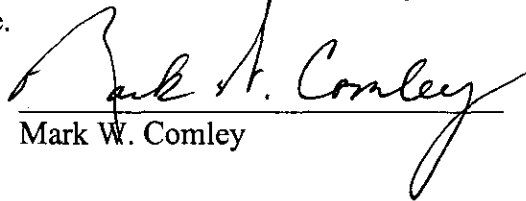
Mark W. Comley #28847
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Attorneys for City of Kansas City, Missouri

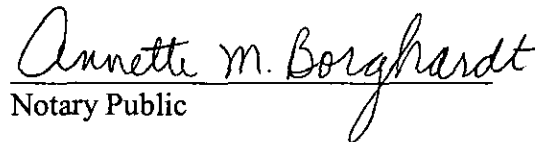
ATTORNEY VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for The City of Kansas City, Missouri which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.


Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 20th day of July, 2001.


Notary Public

My Commission expires:

ANNETTE M. BORGHARDT
Notary Public
State of Missouri
Commission Expires 3/11/02
Cole County, MO

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, on this 20th day of July, 2001, to:

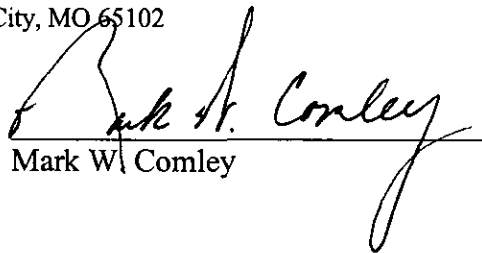
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General Counsel's Office
Public Service Commission
P.O. Box 360
Jefferson City, MO 65102


Mark W. Comley