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

\*ALSO ADMITTED IN  
KANSAS AND MASSACHUSETTS

July 24, 2001

**Via Federal Express**

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

Re: Case No. ER-2001-672 - Missouri Public Service

Dear Judge Roberts:

Enclosed for filing find an original and nine copies of an Application to Intervene Out of Time on behalf of Jackson County, Missouri.

Also enclosed is a self-addressed and stamped envelope for you to return the extra copy with the file stamp thereon.

If you have any questions regarding this filing, please contact me.

Very truly yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By: 

Jeremiah D. Finnegan

JDF:crb

Enclosures

cc: Office of Public Counsel  
General Counsel's Office  
James C. Swearengen  
Duncan E. Kincheloe, III  
Stuart W. Conrad  
Mark W. Comley  
Jane McQueeny

**FILED<sup>2</sup>**  
JUL 25 2001

Missouri Public  
Service Commission

STATE OF MISSOURI  
MISSOURI PUBLIC SERVICE COMMISSION

FILED<sup>2</sup>  
JUL 25 2001

Missouri Public  
Service Commission

In the Matter of Tariff Filing of Missouri )  
Public Service (MPS) a Division of UtiliCorp )  
United, Inc. to Implement a General Rate In- )  
crease for Electric Service Provided to Custom- )  
ers in the Missouri Service Area of MPS. )  
)  
)

Case No. ER-2001-672

APPLICATION TO INTERVENE OUT OF TIME

COMES NOW the County of Jackson, Missouri ("Jackson County"), pursuant to 4  
C.S.R. 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene  
Out of Time state:

1. The County of Jackson, Missouri is a county and a political subdivision of the  
State of Missouri served by Missouri Public Service.
2. Correspondence, communications, orders and decisions in this matter should be  
addressed to:

Jeremiah D. Finnegan, Esq.  
FINNEGAN, CONRAD & PETERSON, L.C.  
1209 Penntower Office Center  
3100 Broadway  
Kansas City, Missouri 64111

Ms. Jane McQueeny  
County Counselor  
200 Jackson County Courthouse  
415 E. 12th St.  
Kansas City, MO 64106

3. The case was established on June 8, 2001, when Missouri Public Service ("MPS") submitted to the Commission proposed tariff sheets intended to implement a general rate increase for electric service provided to its retail customers, including such customers located within the boundaries of Jackson County.

4. On June 21, 2001, the Commission entered an order setting July 11, 2001 as the intervention deadline. Due to the fact that only 20 days was allowed for a timely filing and Counsel for Applicant was unable to obtain the necessary approvals and authorizations within such short period of time, this application is therefore untimely by ten working days.

5. Although notice of this case was received by Jackson County by mail shortly after June 21, 2001, in the time remaining before July 11th, Jackson County was unable to ascertain whether it had sufficient funds available in its budget for participation in such case, to thereafter obtain the necessary approval of the appropriate officials, the County Executive and Director of Division of Finance, and to inform the County Legislature at its next regular meeting held on July 23rd. Thus, action in filing this application has been delayed. It was not until July 24th that Counsel for Applicant was advised by the Jackson County Counselor that the approvals had been obtained from the appropriate county officials.

6. Jackson County is a user of electricity in its own operations and the County and the residents and businesses within its corporate boundaries would be adversely impacted by the proposed increase in electric rates. Jackson County is generally opposed to the requested increase in both the amount sought and the rate design proposed for distributing the proposed increase among the various customer classes within its corporate boundaries. The

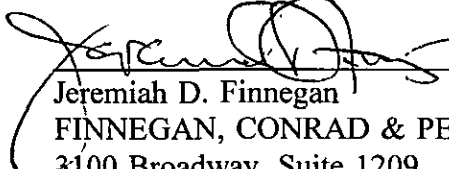
Applicant for Intervention has an interest in the outcome of this proceeding, and an interest different from that of the general public.

7. Granting the proposed intervention would serve the public interest. This application is not filed for the 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 been fully joined. Despite the County's entry in the case at this time, there will be sufficient time for any discovery the parties may intend with respect to the County. The County asserts that its intervention will be of assistance to the Commission in its deliberations on this subject, and should be accepted out of time for good cause shown, and in the interest of fairness and justice.

8. The granting of the proposed intervention out of time for good cause shown would serve the public interest.

WHEREFORE, for the foregoing reasons, the County of Jackson respectfully requests that the Commission grant its Application to Intervene in this matter, and thereby entitle it 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,

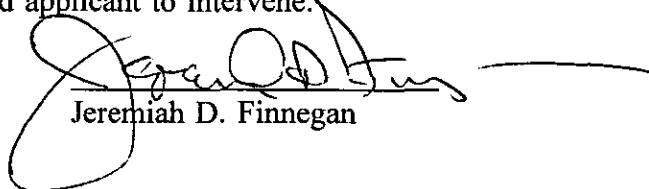
  
Jeremiah D. Finnegan Mo. Bar #18416  
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ATTORNEYS FOR COUNTY OF JACKSON

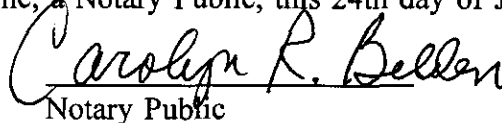
ATTORNEY VERIFICATION

STATE OF MISSOURI    )  
                                  )  
COUNTY OF JACKSON    )

I, Jeremiah D. Finnegan, being first duly sworn, do hereby certify, depose and state that I am the attorney for the County of Jackson, Missouri, which seeks intervention in the above captioned proceeding before the Commission; that I have read the above and foregoing Application to Intervene and that 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.

  
Jeremiah D. Finnegan

Subscribed and sworn to before me, a Notary Public, this 24th day of July, 2001.

  
Notary Public

My Commission Expires:

Nov. 3, 2003



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing pleading by hand delivery or U.S. mail, postage prepaid addressed to the following persons:

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

General Counsel's Office  
Public Service Commission  
P.O. Box 456  
Jefferson City, MO 65102

Mr. James C. Swearngen  
Brydon, Swearngen & England, P.C.  
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P. O. Box 456  
Jefferson City, MO 65102-0456

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Jefferson City, MO 65102-0537

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P.O. Box 537  
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Dated: July 24, 2001

  
Jeremiah D. Finnegan