



**DEPARTMENT OF THE AIR FORCE
AIR FORCE LEGAL SERVICES AGENCY
UTILITY LITIGATION TEAM (AFLSA/ULT)
TYNDALL AIR FORCE BASE, FLORIDA 32403-5319**

1 November 2001

MEMORANDUM FOR DALE HARDY ROBERTS
SECRETARY/CHIEF REGULATORY LAW JUDGE
PUBLIC SERVICE COMMISSION OF MISSOURI
200 MADISON STREET, SUITE 100
JEFFERSON CITY, MO 65101

FROM: AFLSA/ULT
AIR FORCE LEGAL SERVICES AGENCY
UTILITY LITIGATION TEAM
139 BARNES DRIVE, SUITE 1
TYNDALL AFB FL 32403-5319

FILED²

NOV 05 2001

Missouri Public
Service Commission

SUBJECT: Docket No. ER-2001-672

1. Enclosed is the United States Executive Agencies' (USEA) Motion for Leave to Intervene including 8 copies.
2. Should you have any questions please do not hesitate to contact me at (850) 283-6350.

ROBERT C. COTTRELL, JR., Captain, USAF
Litigation and Negotiation Attorney, Utility Litigation Team

cc: Service List

Capt Robert C. Cottrell, Jr.
AFLSA/ULT
Utility Litigation Team
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(850) 283-6350
Fax: (850) 283-6219
Georgia Bar Number 190119
Date Submitted: 01 November 2001

FILED²
NOV 05 2001
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION OF MISSOURI

In the Matter of the Tariff Filing of)	Docket No. ER-2001-672
Utilicorp United Inc. d/b/a)	
Missouri Public Service Company for)	MOTION FOR LEAVE TO
authority to increase it charges for)	INTERVENE
electric service in its Missouri)	
service area)	

Now comes the United States Executive Agencies ("USEA"), by and through its counsel, Captain Robert C. Cottrell, Jr., and pursuant to 4 C.S.R. 240-2.075, respectfully requests that the Commission grant this Motion for Leave to Intervene.

In support thereof USEA states:

1. That under Docket No. ER-2001-672, Utilicorp United Inc., doing business as Missouri Public Service Company("MoPub"), has applied to the Missouri Public Service Commission for an order authorizing an increase in rates for electric service in its Missouri service areas by roughly \$11 million or 17% annually. MoPub has alleged that increased operations costs and an insufficient return on investment necessitate this increase.

2. That USEA operates various facilities within MoPub's service territory, particularly Whiteman Air Force Base.

3. That these facilities currently receive electric service from MoPub.

4. That the rates paid by USEA for electric service are likely to be affected by the outcome of this proceeding. Whiteman AFB employs in excess of 5000 people (military and civilian) within the State of Missouri. In addition, as one of the larger customers in this service territory, Whiteman AFB has a significant interest in the outcome of this proceeding. Whiteman AFB consumes more than 88,000,000 kWh per year and there faces a significant change in rates should this increase be approved. Therefore, USEA desires to participate in this proceeding to ensure that any awarded increase is necessary and justified as well as allocated in a just and fair manner. Unfortunately, due to sovereign immunity, the federal government cannot legally be represented by another party. As such, USEA interests can only be adequately represented by our legal representatives.

5. Furthermore, USEA hopes to work closely with other ratepayers, particularly industrial customers in the same rate class (for example the Sedalia Industrial Energy Users' Association), to best represent USEA interests and ensure that USEA concerns are addressed in this proceeding. USEA interests can only be adequately represented by its separate representation and allowing such, in light of USEA's size and unique nature, would be in the public interest.

6. That USEA has a substantial interest in this proceeding and therefore request that the Commission find "good cause" under 4 C.S.R. 240-2.075 (5) to allow this untimely petition to intervene. USEA within the last week became aware of this case and has since expedited efforts to become involved. Unfortunately, we did not become aware of this docket within the filing deadline. In addition, Whiteman AFB has been recently particularly pre-occupied with its response efforts in support of Operation Enduring Freedom in response to the heinous acts of 11

Sep 01. USEA agrees not to request a delay in these proceedings or otherwise hinder the current schedule for this docket should our late petition be granted.

Wherefore, USEA prays that the Commission grant it the following relief:

- A. That it be granted Leave to Intervene in and become a party to this proceeding;
- B. That the following be added to the service list in this proceeding:


Capt Robert C. Cottrell, Jr.
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Utility Litigation Team
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Capt Sloan M. Pye
509 BW/JA
509 Spirit Blvd., Suite 203
Whiteman AFB, MO 65305-5058

- C. That the Commission grant such other relief as it deems appropriate.

Respectfully submitted,

UNITED STATES EXECUTIVE AGENCIES


Captain Robert C. Cottrell, Jr.
Utility Litigation Team
General Litigation Division
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319
(850) 283-6350

Dated: 1 Nov 01

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Tariff Filing of)	Docket No. ER-2001-672
Utilicorp United Inc. d/b/a)	
Missouri Public Service Company for)	CERTIFICATE OF SERVICE
authority to increase its charges for)	
electric service in its Missouri)	
service area)	

I HEREBY CERTIFY that true and correct copies of the U.S. Executive Agencies'

Motion to Intervene were mailed to each of the following this 1ST day of November

2001:

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

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

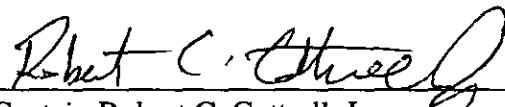
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Dated: 1 Nov 01