



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

2 January 2002

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

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

JAN 03 2002

Missouri Public  
Service Commission

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

SUBJECT: Docket No: ER-2001-672 & EC-2002-265

1. Enclosed is the United States Executive Agencies' (USEA) Petition for Leave to Appear and Participate Before the Missouri Public Service Commission, including 8 copies.
2. USEA has realized a deficiency in its original filing with this Commission. Through this petition, USEA hopes to perfect the appearance of its counsel in the referenced cases.
3. Should you have any questions please do not hesitate to contact me at (850) 283-6350.

*Robert C. Cottrell, Jr.*

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  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319  
(850) 283-6350  
Fax: (850) 283-6219  
Georgia Bar Number 190119  
Date Submitted: 02 January 2002

**FILED<sup>2</sup>**  
JAN 03 2002  
Missouri Public  
Service Commission

**BEFORE THE PUBLIC SERVICE COMMISSION OF MISSOURI**

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<b>In the Matter of the Tariff Filing of</b>	)	<b>Docket No. ER-2001-672</b>
<b>Utilicorp United Inc. d/b/a</b>	)	
<b>Missouri Public Service Company for</b>	)	<b>PETITION FOR LEAVE TO APPEAR</b>
<b>authority to increase it charges for</b>	)	<b>AND PARTICIPATE BEFORE THE</b>
<b>electric service in its Missouri</b>	)	<b>MISSOURI PUBLIC SERVICE</b>
<b>service area</b>	)	<b>COMMISSION</b>

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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. 240-2.040(3)(C), respectfully requests that the Commission grant this Petition for Leave to Appear and Participate Before the Missouri Public Service Commission.

In support thereof USEA states:

1. USEA has mistakenly failed to comply with the Commission requirement to request approval of representation by an attorney not licensed in the State of Missouri. Having not previously practiced before this Commission and just now learning of this requirement, USEA hopes to correct this error.
2. USEA is represented by Capt Robert C. Cottrell, Jr. – a Judge Advocate in the United States Air Force. Air Force utility matters, especially litigation, are handled by the Air Force Utility Litigation Team at Tyndall AFB, to which Capt Cottrell is assigned. USEA was unaware

of the requirement to file this petition when USEA originally filed documents before this Commission.

3. Capt Cottrell is a member in good standing with the Georgia State Bar (as was identified in all previously filed documents before this Commission). Capt Cottrell is admitted to practice before the Georgia Supreme Court, the Federal District Court for the Middle District of Georgia, the Air Force Court of Criminal Appeals, and the Court of Appeals for the Armed Forces. Capt Cottrell has represented the Air Force in utility matters across the country - most recently before the Utah Public Service Commission. Capt Cottrell is a member in good standing with all of the aforementioned courts and has not been denied permission to appear before any of these courts.

4. Unfortunately, due to sovereign immunity, the Federal Government cannot contract out legal services to a non-governmental entity since legal representation is an inherently governmental function. As such, USEA interests can only be adequately represented by its own legal counsel. For this reason, USEA has separately intervened in this case.

5. USEA has aligned itself in this case with the Sedalia Industrial Energy Users' Association (SIEUA). Yet, due to sovereign immunity, USEA must retain separate counsel and desires to remain an independent party to this proceeding. USEA intends to co-sponsor testimony with SIEUA and adopt previously filed SIEUA testimony. Yet, USEA also may file pleadings separate from SIEUA (i.e., motions, briefs, etc.).

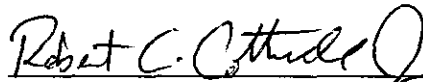
6. For purposes of this case, USEA hereby designates Mr. Stuart W. Conrad as local counsel. Mr. Conrad has already entered an appearance in this case as counsel for SIEUA. Mr. Conrad's local address is:

Stuart W. Conrad  
Finnegan, Conrad & Peterson, L.C.  
3100 Broadway, Suite 1209  
1209 Penntower Office Bldg.  
Kansas City, MO 64111

7. USEA respectfully requests that Capt Cottrell be granted permission to represent USEA in this proceeding. Since USEA is a separately intervened party, all matters and service of documents regarding USEA should continue to be forwarded to Capt Cottrell. USEA apologizes for any inconvenience caused by this omission.

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: 2 Jan 02

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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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	)	

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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 2<sup>nd</sup> day of January 2002:

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

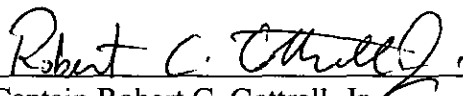
James C. Swearingen/Dean L. Cooper  
Brydon, Swearingen, & England, P.C.  
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Mark W. Comley  
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Capt Sloan M. Pye  
509 BW/JA  
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Whiteman AFB, MO 65305-5058

  
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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: 2 Jan 02