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August 18, 2000

**BY FEDERAL EXPRESS**

Mr. Dale Hardy Roberts  
Secretary, Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, MO 65101

**FILED<sup>2</sup>**  
AUG 21 2000  
Missouri Public  
Service Commission

**Re: Petition to Intervene in Case No. GT-2001-61**

Dear Mr. Roberts:

Enclosed please find an original and eight (8) copies of a Petition of Mountain Energy to Intervene in Case No. GT-2001-61, captioned as follows: *In the Matter of Missouri Public Service, a division of UtiliCorp United, Inc. to establish an experimental small volume aggregation program in Missouri.*

Please accept the enclosed documents for filing in the above-referenced proceeding, and return a file stamped copy to the undersigned. If you have any questions concerning this matter, please do not hesitate to contact me. Thank you.

Sincerely,



William F. Watkins

WFW:bks

Enclosure

cc: All parties  
Mr. Peter Beren  
Mr. Rodrick Donovan

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

AUG 21 2000

Missouri Public  
Service Commission

In the Matter of Missouri Public Service, )  
a division of UtiliCorp United, Inc. to establish )  
an experimental small volume aggregation )  
program in Missouri )

Case No. GT-2001-61

**PETITION OF MOUNTAIN ENERGY CORPORATION TO INTERVENE**

Mountain Energy Corporation ("Mountain Energy") hereby petitions this Commission to grant Mountain Energy intervention in this proceeding pursuant to 4 CSR 240-2.075. In support of its Petition for Intervention, Mountain Energy alleges and states as follows:

1. Mountain Energy is a Kansas corporation whose principal place of business is located at 2600 Grand, Suite 520, Kansas City, Missouri 64108. Mountain Energy is an energy service provider engaged in the business of natural gas marketing in and within the State of Missouri and acts as transportation agent on behalf of its customers which are end-users of natural gas served by various local distribution companies under the jurisdiction of the Commission.

2. On July 19, 2000, Missouri Public Service, a division of UtiliCorp United, Inc. ("MPS"), filed tariffs seeking to establish an experimental small volume customer program within its service territory (the "Tariffs").

3. If approved by the Commission, the program proposed by MPS would allow smaller non-residential customers, defined as those using less than 150,000 Ccf annually, the opportunity to purchase natural gas from a company other than MPS and make arrangements for the transportation of such natural gas on the MPS distribution system. The experimental

program proposed by MPS would commence on September 1, 2000 and would extend through August 31, 2002.

4. As an energy service provider engaged in the business of natural gas marketing, Mountain Energy, has a direct and substantial interest in this proceeding. Mountain Energy has many natural gas customers who are also served by MPS and may be interested in retail competition in the natural gas industry. The determination by the Commission of the issues raised in this docket may affect the terms and conditions of future service, reliability of service and rates of MPS to its customers and to customers of Mountain Energy.

5. The legal rights, duties, privileges, immunities, and other legal interests of Mountain Energy and its current and future customers may be directly affected by the resolution of each issue in this proceeding, and Mountain Energy and its customers will or may be bound by the Commission's orders herein. Mountain Energy's interests in such issues are not adequately represented by any other party to this proceeding.

6. Although Mountain Energy supports further unbundling of services within the natural gas industry, Mountain Energy opposes certain aspects of the Tariffs at issue in this proceeding. For example, in a recent case (Docket No. 00-UTCG-336-RTS) before the Kansas Corporation Commission, Mountain Energy challenged the basis on which UtiliCorp proposed to implement the same type of volumetric charge of .004 per Ccf which has been proposed in the Tariff in question in this proceeding, and the KCC disallowed the volumetric charge because UtiliCorp failed to establish an adequate basis for such charges. Mountain Energy also has additional concerns about the Tariffs, including but not limited to the unduly restrictive requirements for customers to opt into and/or out of the service and the required purchase of balancing services. Mountain Energy believes that the Tariffs should be

suspended until such Tariffs can be modified to reflect some legitimate concerns of marketers and end-users, as expressed in the Motion to Suspend filed by the Office of Public Counsel in this proceeding. Mountain Energy is presently not certain of the position it will ultimately take in this proceeding, but Mountain Energy believes that it is in the best interest of Mountain Energy and its current and future customers to seek a hearing and to participate in these proceedings. Mountain Energy requests the Commission to allow it to intervene pursuant to 4 CSR 240-2.075, with full rights of participation and that its rights not be limited or conditioned.

7. Allowing Mountain Energy to participate in this proceeding with full rights of participation will not impair the orderly and prompt conduct of the proceedings. Mountain Energy notes that the Commission has not yet established a procedural schedule in this docket and as of yet no pre-hearing conference has been set.

8. If the Commission grants Mountain Energy's Petition to Intervene, Mountain Energy requests that copies of all orders, pleadings and correspondence in this docket be sent to:

Rodrick Donovan, Executive Vice Pres., and  
Peter H. Beren, Director, Business Development  
and Regulatory Affairs  
Mountain Energy Corporation  
2600 Grand, Suite 520  
Kansas City, Missouri 64108  
(816) 842-7337 / (816) 472-1768 (facsimile)

and

Frank A. Caro, Jr.  
POL SINELLI, WHITE, VARDEMAN  
& SHALTON, P.C.  
6201 College Blvd., Suite 500  
Overland Park, Kansas 66211-2423  
(913) 451-8788 / (913) 451-6205 (facsimile)

WHEREFORE, for the foregoing reasons, Mountain Energy requests the Commission to allow it to intervene in this proceeding with full rights of participation.

Respectfully submitted,

By:

*William F. Watkins*

Frank A. Caro, Jr. (KS # 11678; MO # 42094)  
William F. Watkins (KS #13119; MO # 36112))  
POL SINELLI, WHITE, VARDEMAN  
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6201 College Blvd., Suite 500  
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Phone: (913) 451-8788  
Facsimile: (913) 451-6205  
BY ITS ATTORNEYS

**VERIFICATION**

STATE OF KANSAS )  
 ) SS.  
COUNTY OF JOHNSON )

William F. Watkins, being first duly sworn upon his oath, deposes and states that he is Counsel for Mountain Energy Corporation, that he has read and is familiar with the foregoing Petition of Mountain Energy Corporation to Intervene, and that the statements therein are true to the best of his knowledge, information and belief.

*William F. Watkins*

William F. Watkins

Subscribed and sworn to before me this 18<sup>th</sup> day of August, 2000.



*Brenda K. Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Petition of Mountain Energy Corporation to Intervene was mailed, postage prepaid, this 18 day of August, 2000, to:

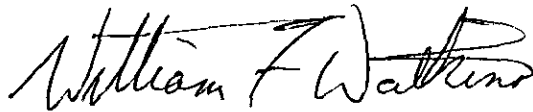
Dana K. Joyce, General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

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P.O. Box 456  
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Attorneys for MPS



William F. Watkins