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February 14, 2001

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. GR-2001-292

Dear Judge Roberts:

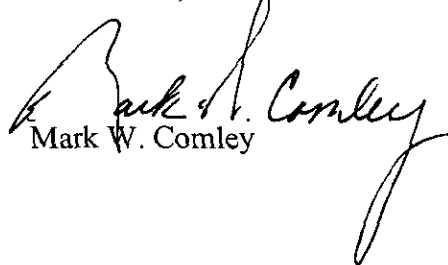
Please find enclosed for filing in the referenced matter an original and eight copies of an Application to Intervene Out of Time.

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
Rob Hack
Gary W. Duffy
Stuart W. Conrad
Larry W. Dority

FILED²
FEB 14 2001
Missouri Public
Service Commission

FILED³

FEB 14 2001

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

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, is a municipality 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.
P.O. Box 537
Jefferson City, MO 65102-0537

3. This case was established on November 7, 2000 when Missouri Gas Energy (MGE) submitted to the Commission proposed tariff sheets intended to implement a general rate increase for natural gas service provided to its Missouri customers.

4. On November 27, 2000, the Commission entered an order setting December 18, 2000 as the intervention deadline. This application is therefore untimely.

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

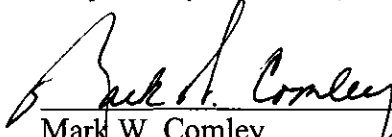
legal department has been delayed.

6. The City is a large user of natural gas supplied by MGE, and also administers a Weatherization Program with the cooperation and assistance of MGE and the Missouri Department of Housing and Community Development Home Weatherization Program. The City anticipates that its participation in this matter will center upon any issues raised with respect to the Weatherization Program, but reserves the right to address other issues which may pertain to its other interests. The City 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 motion is filed not for purposes of delay, and if the Commission should grant the this application, neither the parties nor the Commission will be prejudiced. Under the Commission's procedural schedule, direct testimony by interveners and others is not due to be filed until April 19, 2001, which should leave sufficient time for any discovery the parties may intend with respect to Kansas City. The City 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, 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,



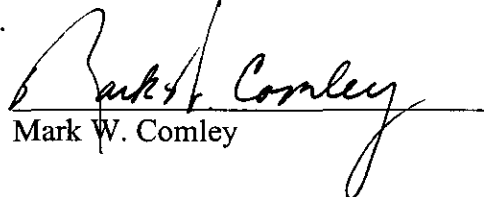
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Attorneys for City of Kansas City, Missouri

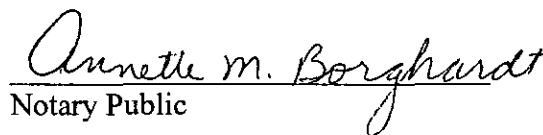
ATTORNEY VERIFICATION

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 14th day of February, 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 14th day of February, 2001, to:

Stuart W. Conrad
Finnegan, Conrad & Peterson
1209 Penntower Office Center
3100 Broadway
Kansas City, MO 64111

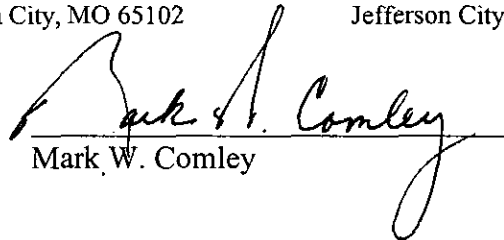
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Kansas City, MO 64111

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P.O. Box 360
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Larry W. Dority
Fischer & Dority
101 West McCarty, Suite 215
Jefferson City, MO 65101


Mark W. Comley