

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application for	)	
Authority of Sendero SMGC LP	)	
Acquisition Company to Purchase the	)	
Partnership Interests of DTE Enterprises,	)	
Inc. and DTE Ozark, Inc. for Southern	)	Case No. GM-2005-0136
Missouri Gas Company, L.P., and for	)	
Southern Missouri Gas Company to	)	
Execute a Deed of Trust, Security	)	
Agreement and Financing Statement to	)	
Secure a Loan to Complete the	)	
Transaction.	)	

**APPLICATION TO INTERVENE**

COMES NOW The Empire District Electric Company (“Empire”), pursuant to 4 CSR 240-2.075, and for its Application To Intervene respectfully states as follows:

1. Empire is a Kansas corporation and is an “electrical corporation” and a “public utility” authorized by this Commission to provide electric service pursuant to Commission approved tariffs in Empire’s Commission-certificated service area in southwest Missouri. Empire’s mailing address is 602 Joplin Street, Joplin, Missouri 64801, telephone number (417) 625-5103, fax number (417) 625-5133.

2. All communications, correspondence, pleadings, notices and orders relating to this proceeding should be sent to:

Charles Brent Stewart  
STEWART & KEEVIL, L.L.C.  
4603 John Garry Drive, Suite 11  
Columbia, Missouri 65203  
(573) 499-0635  
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[Stewart499@aol.com](mailto:Stewart499@aol.com)

Ron Gatz  
The Empire District Electric  
Company  
602 Joplin Street  
Joplin, Missouri 64801

3. On November 17, 2004, Sendero SMGC LP Acquisition Company, Sendero SMGC GP Acquisition Company, DTE Enterprises, Inc. and DTE Ozark, Inc. (collectively “Joint Applicants”) filed their Application with the Commission seeking authority for the Sendero companies to acquire the partnership interests of the DTE companies in Southern Missouri Gas Company and to take other steps to complete that transaction.

4. Empire obtains natural gas transportation for its electric operations from an interstate pipeline, Southern Star Central Gas Pipeline, Inc., which also provides natural gas transportation to Southern Missouri Gas Company. It is Empire’s understanding that said interstate pipeline is fully subscribed at the present time. Given this, Empire is concerned about the impact the proposed transaction could have on pipeline deliverability, although at this time Empire does not have sufficient information to fully assess said impact.

5. Accordingly, Empire has a direct interest in this proceeding which is different from that of the general public and which could be affected by a final order arising out of this case. No other party can adequately represent Empire’s interest in this case and Empire’s experience as a Commission-regulated electric utility should aid the Commission in its deliberations and therefore makes granting Empire’s intervention in this proceeding in the public interest.

6. Empire, at this time, is unsure whether it supports or opposes the relief sought by Joint Applicants.

7. Because no procedural schedule has yet been set, granting Empire’s intervention request will not unduly delay this proceeding.

8. Pursuant to 4 CSR 240-2.060(1)(K), Empire states that it has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application To Intervene.

9. Pursuant to 4 CSR 240-2.060(1)(L), Empire states that no Commission annual reports or assessment fees are overdue.

10. Pursuant to 4 CSR 240-2.060(1)(M), the notarized verification of Ron Gatz, Vice President Strategic Development of The Empire District Electric Company, is attached hereto and incorporated herein by reference.

WHEREFORE, having complied with the requirements of 4 CSR 240-2.075, The Empire District Electric Company respectfully requests that the Commission grant this Application To Intervene in this proceeding.

Respectfully submitted,

**/s/ Charles Brent Stewart**

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Jeffrey Allen Keevil, MoBar#33825  
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ATTORNEY FOR  
THE EMPIRE DISTRICT  
ELECTRIC COMPANY

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing Application To Intervene was sent to counsel for all parties of record in Case No. GM-2005-0136 by depositing same in the U.S. Mail, first class postage prepaid, by hand-delivery, or by electronic mail transmission, this 1<sup>st</sup> day of December, 2004.

**/s/ Charles Brent Stewart**

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