

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

In the Matter of the Tariff Filing of Aquila, Inc.)	
To Implement a General Rate Increase for)	Case No. ER-2005-0436
Retail Electric Service Provided to Customers)	
In its MPS and L&P Missouri Service Areas.)	

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) 625-6188, fax number (417) 625-5153.

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

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3. On May 24, 2005, Aquila, Inc. submitted certain proposed tariff sheets to the Missouri Public Service Commission to implement a general rate increase for retail electric service provided by Aquila, Inc. in its MPS and L&P service areas. As a part of

this general rate increase case, Aquila, Inc. may become the first Commission-regulated electrical corporation to put into place a fuel adjustment mechanism pursuant to a statute passed in the most recent legislative session by the Missouri General Assembly; accordingly, Empire is interested in the development of such a mechanism and the proper application and interpretation of such statute. Furthermore, Empire has an interest in the Commission's treatment of depreciation of Aquila's plant. As an electric utility Empire has a direct interest in these matters which is different from that of the general public, which may be adversely impacted by a final order arising from this case and which cannot be adequately represented by any other party to this proceeding. Empire therefore seeks to intervene herein and become a party to this case for all purposes so that it may have the opportunity to provide evidence and legal briefing on these important policy issues and any others that it may deem necessary. 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.

4. Pursuant to the Commission's *Suspension Order and Notice, Order Directing Filing, Order Setting Hearings, and Order Adopting Protective Order* issued May 31, 2005, this Application to Intervene is being timely filed and therefore granting Empire's intervention request will not unduly delay this proceeding.

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 and permit Empire to intervene herein and become a party to this proceeding for all purposes.

Respectfully submitted,

/s/ **Jeffrey A. Keevil**

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ATTORNEYS 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 as ordered in the Commission's *Suspension Order and Notice, Order Directing Filing, Order Setting Hearings, and Order Adopting Protective Order* issued herein on May 31, 2005, by depositing same in the U.S. Mail, first class postage prepaid, by hand-delivery, or by electronic mail transmission, this 16th day of June, 2005.

/s/ **Jeffrey A. Keevil**
