

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of Aquila, Inc. d/b/a)
Aquila Networks-MPS and Aquila)
Networks-L&P, for authority to) EO-2008-0415
implement rate adjustments required)
by 4 CSR 240-20.090(4) and the)
company's claimed fuel and pur-)
chased power cost recovery mecha-)
nism)

APPLICATION TO INTERVENE OF
AG PROCESSING, INC. A COOPERATIVE

This application requests intervention in this proceeding for AG PROCESSING INC, A COOPERATIVE ("AGP"). Pursuant to 4 C.S.R. 240-2.075 AGP applies to intervene and to become a party in this proceeding. In support, AGP states:

1. AGP is an agricultural cooperative and is a large manufacturer and processor of soybean meal, soy-related food products, and other grain products throughout the central and upper Midwest, including the State of Missouri. AGP is the largest cooperative soybean processing company in the world, the third-largest supplier of refined vegetable oil in the United States and the third-largest commercial feed manufacturer in North America.

2. AGP operates a major processing facility in St. Joseph, Missouri where it is a major industrial electrical customer of Aquila, Inc., d/b/a Aquila Networks L&P ("Aquila").

Upon information and belief, AGP may be the largest electric customer of Aquila in the L&P service territory.

3. AGP's interest in proceedings affecting the rates, terms and conditions of electricity from Aquila has been previously recognized by the Missouri Public Service Commission in permitting AGP's intervention in prior Aquila and St. Joseph Light & Power rate design and rate-related proceedings. AGP has actively participated in such cases.

4. Correspondence or communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

Stuart W. Conrad, Esq.
David L. Woodsmall^{1/}
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1209 Penntower Office Center
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Voice: (816) 753-1122
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and to:

Mr. Gary Chesnut
Corporate Purchasing Manager
Ag Processing Inc.
12700 West Dodge Rd.
Omaha, NE 68154

5. On June 30, 2008 Aquila submitted proposed rate schedules to adjust charges in connection with its rate adjust-

^{1/} Mr. Woodsmall is the firm's resident attorney at its Jefferson City Office. His Jefferson City address is: 428 East Capitol Avenue, Suite 300, Jefferson City, MO 65101,

ment mechanism. An effective date of September 1, 2008 was requested.^{2/}

6. AGP is vitally interested in this proposed tariff, in its terms and conditions, and its impact on ratepayers generally and upon AGP's operations in St. Joseph. As a major electric customer of Aquila, AGP is in a position to be directly affected by the proposed increases and may be bound or adversely affected by any Commission order issued in this proceeding. Because Aquila provides electricity to AGP under separate contracts or rate schedules and because of AGP's size and load factor, AGP is in the unique position of representing an interest in the L&P service district that will not and cannot be represented adequately by any other party and which interest is direct and immediate and differs from that of the general public. Therefore, it will aid the Commission and protect and advance the public interest that AGP be permitted to intervene in this proceeding so as to protect its members' interest which no other party is in a position properly to protect and adequately represent.

^{2/} Prior decisions of the commission purporting to approve a rate adjustment mechanism for Aquila's MPS and L&P divisions are subject to multiple judicial review proceedings brought by this applicant and others. This application is submitted to protect substantial rights but is without prejudice to the positions taken and arguments made in those judicial review proceedings.

7. For purposes of 4 C.S.R. 240-2.075(2), AGP states that it is opposed to discriminatory pricing of electricity and related utility services, is opposed to increases that are not reasonable or lawful and are not related to prudent costs that are incurred by the utility in providing utility service, is opposed to a utility being permitted to earn what may be an unreasonably high rate of return and recovering fuel and purchased power costs that are not authorized by lawful orders of the commission and have not previously been adjudicated to be prudently incurred.

WHEREFORE, AGP prays (without prejudice to later requests for relief): (a) that AGP be permitted to intervene herein and be made a party hereto with all rights to have notice of and participate in hearings, to present evidence, cross-examine witnesses, file briefs and participate in argument, should any be had; (b) that a procedural schedule be adopted providing for a hearing and the filing of exhibits and testimony; (c) that following such investigation the matter be set for hearing before the Commission in which the applicant utility shall be put to its proof regarding the need for the proposed

adjustment; and (d) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR AG PROCESSING INC., A
COOPERATIVE

July 23, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid or by electronic mail addressed to all parties by their attorneys of record as provided by the Secretary of the Commission.



Stuart W. Conrad

Dated: July 23, 2008