

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Consideration of Adoption)
Of the PURPA Section 111(d)(13) Fossil Fuel) Case No. EO-2006-0495
Generation Efficiency Standard as Required by)
Section 1251 of the Energy Policy Act of 2005)

APPLICATION TO SUBSTITUTE INTERVENOR

Comes now Burroughs Audubon Society and moves to intervene in place of Audubon Missouri pursuant to 4 CSR 240-2.075.

1. On August 2, 2006 the Commission issued its order granting leave to intervene to, among others, Audubon Missouri.

2. Audubon Missouri is the Missouri office of the National Audubon Society, which is incorporated in the state of New York. It is not a Missouri corporate entity and has decided that a Missouri chapter would be a more appropriate representative.

3. Burroughs Audubon Society, 21509 S.W. Woods Chapel Rd., Blue Springs MO 64015, is the Greater Kansas City chapter of the National Audubon Society with 1,950 members in the metropolitan area. It is incorporated in Missouri as a non-profit corporation in good standing and is a 501(c)(3) corporation; it is a separate entity from the national society.

4. Burroughs Audubon's mission is to conserve and restore natural habitat for the benefit of humanity and of the earth's biological diversity. Its board has voted unanimously in favor of this intervention in the belief that policies that promote clean and renewable electricity generation and the more efficient use of energy will advance its mission.

5. Burroughs supports the relief proposed, i.e., the consideration and adoption of the EAct standard. They believe that improving the efficiency of existing fossil fuel burning power plants will improve human and environmental health by reducing pollution and carbon dioxide emissions.

6. Burroughs has particular interests in the conservation and appreciation of the natural world that differ from the interest of the general public.

7. It will serve the public interest for the PSC to grant this application to intervene.

8. If the Commission treats this as an application for late intervention, Burroughs believes that there is good cause. Nothing will change except the identity of a single intervenor; Burroughs will have the same counsel and will be bound by the same procedural schedule. No prejudice will result to any other party. The confusion over the appropriate entity to represent the Audubon Society was regrettable but inadvertent.

WHEREFORE, Applicants respectfully request the Public Service Commission to grant leave for Audubon Missouri to withdraw and for Burroughs Audubon to intervene.

/s/Henry B. Robertson
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct PDF version of the foregoing was sent by email on this 7th day of September, 2006, to the EFIS service list for this case.

/s/Henry B. Robertson
Henry B. Robertson