

**STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION**

In the matter of KCP&L Greater)	
Missouri Operations Company for)	
authority to file tariffs changing)	HR-2010-0028
the steam Quarterly Cost Adjustment)	
for service provided to customers)	
in its service territory.)	

**LATE-FILED APPLICATION TO INTERVENE
OF ST. JOSEPH STEAM USERS**

This application requests intervention in this proceeding for AG PROCESSING INC, A COOPERATIVE ("AGP"), AGRILIANCE [OMNIUM], INC. ("Agriliance") and TRIUMPH FOODS ("Triumph"), collectively called ST. JOSEPH STEAM USERS ("SJSU"). Pursuant to 4 C.S.R. 240-2.075 SJSU applies to intervene and to become a party. In support, SJSU 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 believed to be the largest industrial steam customer of the Applicant Utility in its L&P service area.

3. AGP's interest in proceedings affecting the rates, terms and conditions of steam and other utility services from KCP&L - GMO's predecessor, Aquila, Inc. (and its predecessor) has been previously recognized by the Missouri Public Service Commission in permitting AGP's intervention in prior Aquila and L&P rate design and rate-related proceedings. AGP has actively participated in such cases. Specifically, AGP actively participated in Case No. HR-2005-0450, and HR-2009-0092, the steam rate cases that resulted, *inter alia*, in the quarterly adjustment mechanism that is addressed in this filing and in subsequent quarterly adjustment filings denominated HR-2007-0028, HR-2007-0399, and HR-2008-0340.

4. Agriliance and Triumph are also large volume steam users on the former L&P steam distribution system. Each is a steam customer and, although the levels vary, each is a major employer in St. Joseph, Missouri. In combination with AGP, it is believed that these customers represent roughly 75% or more of the steam volumes sold through the former L&P steam distribution system.

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

Stuart W. Conrad, Esq.
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FINNEGAN, CONRAD & PETERSON, L.C.

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and to:

Mr. Gary Chesnut
Corporate Purchasing Manager
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6. On July 15, 2009 KCP&L - GMO ("KCPL") filed a proposed steam service tariff sheet providing the current Quarterly Cost Adjustment for service provided to steam customers in the company's L&P service territory. The filing proposes a change to the current Quarterly Cost Adjustment associated with the provision of steam service with a proposed effective date of September 1, 2009.

7. AGP was instrumental in the development of this mechanism in Case No. HR-2005-0450 and in its recent modification in Case No. HR-2009-0092, Applicant's most recent steam rate filing. Preliminary investigation indicates that the proposed quarterly adjustment is facially consistent with the mechanism provided in the relevant steam tariffs and, insofar as AGP and SJSU is presently able to verify, comports with that mechanism. Accordingly, suspension of the proposed quarterly adjustment is not requested, nor that the tariff be further suspended but, rather, that the matter be processed consistent with the mechanism negotiated and approved by the Commission in Case No. HR-2005-0450 and as modified in Case No. HR-2009-0092.

8. AGP and SJSU will be bound or adversely affected by any Commission order in this proceeding. Because of the structure of the rate schedules under which Applicant Utility sells industrial steam to AGP and SJSU, and because of members' size and consistency of steam usage for production purposes, AGP and SJSU are in the special position of representing its own interest that is direct, immediate, different from that of the general public, and that cannot adequately be represented by any other party. Therefore, it will aid the Commission and serve and protect the public interest that AGP and SJSU are permitted to intervene in this proceeding to protect its interests.

9. For purposes of 4 C.S.R. 240-2.075(2), AGP and SJSU opposes discriminatory and excessive pricing of public utility services, including those provided by Applicant Utility but insofar as this proposed change is consistent with the negotiated and approved mechanism, does **not** oppose Commission acceptance of this proposed change subject to AGP and SJSU's participation or initiation in the annual true-up process negotiated and referenced in the relevant steam tariffs.

Late-Filing

10. This application is filed after the Commission-directed date of July 29, 2009 because of confusion on the part of undersigned counsel regarding whether these applicants were already parties because of their (or AGP's) active participation in HR-2005-0450 and the larger group's participation in HR-2009-0092. The Order Directing Notice and Directing Filing references

the 2005 case (and, indeed, former Aquila counsel) which caused counsel to believe that this filing was a quarterly adjustment under these filings and was, therefore, not needed. However, investigation of the EFIS filings suggests that this filing may be appropriate so that there is no question regarding these entities' status.^{2/} Moreover, this filing is made only seven business days following that deadline and there is no reason to believe that any party will be prejudiced hereby as AGP and the steam customers' interest in these matters is well-known to both KCPL and Commission Staff, the only other presumed active parties.

WHEREFORE, SJSU and each member thereof prays: (a) that it be permitted to intervene and be a party to this case with all rights to have notice of and participate in any proceedings and hearings to present evidence, to cross-examine witnesses, file

^{2/} It is noted that Staff's recent recommendation indicates that some clarification is possibly needed regarding the period of particular QCA filings as well as the underlying case to which they relate.

briefs and present any argument; and (b) for all other relief to which any member is entitled.

Respectfully submitted,

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ATTORNEYS FOR ST JOSEPH STEAM USERS

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Application to Intervene on each of the persons identified as proper parties for service according to the Commission's current records on its EFIS system.

A handwritten signature in black ink, appearing to read "Stuart W. Conrad", written over a horizontal line.

Stuart W. Conrad, an attorney for
within applicants

Dated: August 10, 2009