

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Kansas City Power & Light Company)	
for Waiver or Variance of Certain)	EE-2008-0238
Provisions of the Report and Order)	
in Case No. ER-2007-0291)	

APPLICATION TO INTERVENE BY PRAXAIR, INC,

COMES NOW PRAXAIR, INC. ("Praxair") pursuant to 4 C.S.R. 240-2.075 and applies to intervene herein and become a party hereto for all purposes in respect to the application for waiver or variance from a prior Report and Order in Case No. ER-2007-0291 by Kansas City Power & Light Company ("KCPL") on January 23, 2008. In support, Praxair respectfully states:

1. Praxair is a large industrial electric customer of Empire. Praxair operates a major air liquefaction and constituent gas separation facility in Kansas City in KCPL's service territory. Praxair is the successor in interest to the Linde Division of Union Carbide Corporation.

2. Through Praxair's own prior interventions and those of its predecessor, Praxair's interests in proceedings affecting the rates, terms and conditions of electric service from KCPL have been previously recognized by the Missouri Public Service Commission in permitting Praxair's intervention in prior rate design and electric rate proceedings concerning KCPL, including the recently concluded regulatory plan case, EO-2005-

0329, sometimes termed the "comprehensive energy plan" or "CEP" and in Case No. ER-2007-0291.

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

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4. On January 23, 2008, KCPL applied for a variance or waiver from portions of the recent Report and Order issued in Case No. ER-2007-0291 concerning separately-metered space heating tariffs.

5. As an interruptible customer, Praxair's interest in the terms and conditions of service, and in KCPL's rates is direct, immediate, unique, different from that of the general public, and will not or cannot adequately be represented by any other party. Therefore, it will aid the Commission and protect and advance the public interest that Praxair be permitted to intervene in this proceeding to protect its interest which no other party is in a position properly to protect and adequately represent.

6. For purposes of 4 C.S.R. 240-2.075(2), Praxair states that it opposes the discriminatory and non-cost-based

pricing of electricity and related utility services. Moreover, Praxair is presently studying the proposed waiver but is concerned that issues that were properly raised as concerns in applications for rehearing and were rejected by the Commission are now being collaterally attacked in this proceeding. We have not resolved our position on such matters at this time and respectfully reserve as to those positions. This is a matter in which the Report and Order is the subject of pending judicial review.

WHEREFORE, Praxair prays: (a) that it 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; and (b) for all other needful and proper relief appropriate in the premises.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR PRAXAIR, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means, by United States Mail, First Class postage prepaid, or by hand delivery to all known parties in interest upon their respective representatives or attorneys of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.



Stuart W. Conrad

Dated: February 4, 2008