

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

In the Matter of the Trigen-Kansas City Energy)
Corporation's Tariffs to Increase Rates for) Case No. HR-2008-0300
Customers of its Steam Service)

APPLICATION TO INTERVENE OUT OF TIME

COMES NOW the Jackson County, Missouri (hereinafter "Jackson County" or "County"), pursuant to 4 CSR 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene respectfully states:

1. Jackson County is a first class charter county, and a political subdivision of the State of Missouri. It has powers, authority, duties and responsibilities as established in state law.

2. Correspondence, communications, orders and the decision in this matter should be addressed to:

Mark S. Jones
Jackson County Counselor
Jackson County Courthouse
415 East 12th, 2nd Floor
Kansas City, MO 65106
Telephone No.: 816/881-3355
Fax No.: 816/881-3398

Mark W. Comley
NEWMAN, COMLEY & RUTH P.C.
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone No.: 573/634-2266
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3. This case arose when Trigen-Kansas City Energy Corporation ("Trigen") filed tariffs designed to implement a general rate increase for steam service. On March 12, 2008, the Commission issued an order and notice directing that interested parties wishing to intervene must do so on or

before April 1, 2008. This application is therefore out of time.

4. Jackson County acknowledges that it received proper notice of this case but wishes to advise the Commission that authority for the County to intervene requires several levels of approval and discussion within its executive departments. Final approval for counsel to intervene had not been obtained before the intervention deadline. Failing to meet the intervention deadline was not for purposes of delay but rather due to circumstances which the County and its attorneys ask the Commission to deem excusable.

5. Jackson County is itself a consumer of steam service supplied by Trigen. The County is interested in the impact of any decisions in this proceeding on behalf of itself and its residents and businesses. It desires to participate fully in this proceeding including hearing and the briefing of the issues.

6. If the Commission should grant this application, neither the parties nor the Commission will be prejudiced since the County must accept the case in its present state. No testimony has been filed and based upon counsel's information and belief, discovery has not been initiated in significant measure. Yesterday, April 28, 2008, the Commission approved a procedural schedule in this case and the initial deadlines for filing written testimony are 90 days or more away. The County submits that granting its application, even at this stage of the proceeding, will cause no harm to the parties, the Commission or the ordinary course of the case's disposition by the Commission. County participation will be important to the other parties, and would assist the Commission in any deliberations on the subject matter. There is good cause to grant the County's application.

7. At this time, Jackson County is uncertain of the position it will take in this matter.

8. Granting the proposed intervention would serve the public interest.

WHEREFORE, for the foregoing reasons, Jackson County, Missouri, respectfully requests that the Commission grant its Application to Intervene in this matter, and thereby entitle Jackson County to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the argument, and in all other respects fully participate in this proceeding.

Respectfully submitted,

/s/ Mark W. Comley

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(573) 634-2266
(573) 636-3306 (FAX)
Attorneys for the Jackson County, Missouri

ATTORNEY VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for the Jackson County, Missouri which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.

/s/ Mark W. Comley
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 29th day of April, 2008.

/s/ Annette M. Borghardt
Notary Public for Cole County, MO
Commission # 06436657; MCE 3/11/2010

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via email on this 29th day of April, 2008, to:

Office of Public Counsel at opcservice@ded.mo.gov;
General Counsel's Office at gencounsel@psc.mo.gov;
Jeff Keevil at per594@aol.com; and
Curtis Blanc at Curtis.Blanc@kcpl.com.

/s/ Mark W. Comley
Mark W. Comley