

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

In the Matter of the Application of Kansas City	)	
Power & Light Company for Approval to Make	)	
Certain Changes in its Charges for Electric	)	Case No. ER-2006-0314
Service to Begin the Implementation of Its	)	
Regulatory Plan.	)	

**APPLICATION TO INTERVENE OF AQUILA, INC.**

COMES NOW Aquila, Inc., (hereinafter “Aquila” or “Company”), by counsel, pursuant to 4 CSR 240-2.075, and for its application to intervene in the above-captioned proceeding states as follows to the Missouri Public Service Commission (the “Commission”):

1. Aquila is a Delaware Corporation with its principal office and place of business at 20 W 9<sup>th</sup> Street, Kansas City, Missouri 64105-1711. The Company is authorized to conduct business in Missouri through its Aquila Networks-MPS and Aquila Networks-L&P operating divisions and as such is engaged in providing electrical, natural gas and industrial steam utility service in those areas of the State certificated to it by the Commission.

2. A Certificate of Authority for a foreign corporation to do business in the State of Missouri evidencing Aquila’s authority under the law to conduct business in the State of Missouri was filed with the Commission in Case No. EU-2002-1053 and said documents are incorporated herein by reference. Likewise, copies of the registrations of fictitious names of Aquila Networks-MPS and Aquila Networks L&P were filed with the Commission in Case No. EU-2002-1053 and said documents are incorporated herein by reference.

3. Aquila has no pending actions or final unsatisfied judgments or decisions against it in Missouri involving customer service or rates. Aquila has no annual report or assessment fees that are overdue.

4. Communications relating to this application and proceeding should be directed to the undersigned counsel, to-wit:

Diana C. Carter  
Brydon, Swearingen & England, P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
Phone: (573) 635-7166  
Fax: (573) 634-7431  
E-mail: [DCarter@brydonlaw.com](mailto:DCarter@brydonlaw.com)

5. On February 1, 2006, Kansas City Power & Light Company (“KCPL”) submitted to the Commission proposed tariff sheets intended to implement a general rate increase for electrical service provided by KCPL in its Missouri service area.

6. By the Commission’s Order and Notice issued February 3, 2006, the Commission established an intervention deadline of February 23, 2006.

7. Aquila should be allowed to intervene in this proceeding because it has an interest that is different from that of the “general public” which may be adversely affected by a final order in this case and because granting intervention to Aquila would serve the public interest. Aquila is a co-owner of the Iatan Unit 1 power plant and will be a participant in the proposed Iatan Unit 2. As such, Aquila is interested in both the capacity and emissions subjects associated with the Iatan units, as well as associated price stability and demand-side subjects. Additionally, Aquila’s status as a public utility and its direct specific interests in the subjects of this case indicate that its intervention would serve the public interest.

8. In Case No. EO-2005-0329, the Commission approved a Stipulation and Agreement regarding KCPL’s regulatory plan, and Aquila was a signatory to that Stipulation. In that case, KCPL agreed that the other signatories to the Stipulation and Agreement could intervene as a matter of right in this proceeding. The Stipulation reads as follows regarding this

rate case proceeding, “. . . each of the Signatory Parties shall be considered as having sought intervenor status in the 2006 Rate Filing without the necessity of filing an application to intervene and KCPL consents in advance to such interventions.”

9. Regarding 4 CSR 240-20.075(2), Aquila has not yet had an opportunity to review KCPL’s filing in detail and, as such, cannot yet state precisely what its position is in this proceeding. Upon further review of KCPL’s filing, updates, and discovery responses, Aquila will be able to state its position in this matter. A detailed statement of position and identification of issues with respect to KCPL’s application may be submitted at that time.

WHEREFORE, for the reasons stated herein, Aquila respectfully requests that the Commission issue an order permitting it to intervene in this case with full rights as a party hereto.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Diana C. Carter  
Diana C. Carter MBE #50527  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
Phone: (573) 635-7166  
Fax: (573) 634-7431  
DCarter@brydonlaw.com

ATTORNEYS FOR AQUILA, INC.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered, mailed by U.S. mail, or electronically transmitted on this 17<sup>th</sup> day of February, 2006, to all parties of record.

/s/ Diana C. Carter