

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Consideration	)	
of the PURPA Section 111(d)(15)	)	E0-2006-0497
Interconnection Standard as Re-	)	
quired by Section 1251 of the Ener-	)	
gy Policy Act of 2005	)	

LATE-FILED APPLICATION TO INTERVENE
BY AG PROCESSING INC A COOPERATIVE,
PRAXAIR, INC. AND
THE SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION

COME NOW the SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION ("SIEUA"), AG PROCESSING INC A COOPERATIVE ("AGP"), and PRAXAIR, INC. ("Praxair") (collectively "Industrials") pursuant to 4 C.S.R. 240-2.075 and apply to intervene herein and become parties hereto for all purposes in respect to this matter. In support, of this motion, Industrials respectfully state:

1. **SIEUA** is an unincorporated voluntary association consisting of large commercial and industrial users of natural gas and electricity in the Sedalia, Missouri and in the surrounding area. SIEUA was formed for the purpose of economical representation of its members' interests through intervention and other activities in regulatory and other appropriate proceedings.

2. Current members of SIEUA are as follows: **Pittsburgh Corning Corporation**, a manufacturer of cellular glass insulation at its manufacturing facility in Sedalia, Missouri where roughly 160 workers are employed; **Waterloo Industries**, a

manufacturer of tool storage equipment and employer of approximately 650 workers at its manufacturing facility in Sedalia, Missouri; **Hayes-Lemmerz International** employs roughly 800 workers at its Sedalia, Missouri facility where it manufactures automobile wheels; **EnerSys Inc.** employs approximately 500 persons in its industrial battery manufacturing facility in nearby Warrensburg, Missouri; **Alcan Cable Co.** manufactures aluminum electrical conductors and employs 250 persons in its Sedalia, Missouri operation; **Gardner Denver Corporation** employs 320 workers at its Sedalia works where it makes industrial compressors and blowers; **American Compressed Steel Corporation** employs 35 workers in scrap metal recycling at its facility near Sedalia, Missouri; and **ThyssenKrupp Stahl Company**, a major United States manufacturer of specialty and precision aluminum castings at facilities located in Warrensburg and Kingsville, Missouri, where approximately 1,100 workers are employed. Collectively, these SIEUA members provide gainful employment for approximately 3,815 workers in central Missouri.

3. SIEUA's interests in proceedings affecting the rates, terms and conditions of electric service have been previously recognized by the Missouri Public Service Commission in permitting SIEUA's intervention in numerous rate design and electric rate proceedings concerning Aquila and its predecessor UtiliCorp, including without limitation the last series of Missouri Public Service rate increase cases, its recent load research and class cost of service case, Case No. E0-2002-384, in

Case No. ER-2004-0034 and in Aquila's prior electric rate case, Case No. ER-2005-0436. Participant companies are customers of Aquila, Inc., a regulated Missouri electric company.

4. **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.

5. AGP operates a major processing facility in St. Joseph, Missouri where it is a major industrial electrical customer of Aquila. Upon information and belief, AGP may be the largest electric customer of Aquila in the L&P service territory.

6. AGP's interest in proceedings affecting the rates, terms and conditions of electricity from its supplier has been previously recognized by the Missouri Public Service Commission in permitting AGP's intervention in prior Aquila and St. Joseph Light & Power rate design and rate-related proceedings. AGP has actively participated in such cases.

7. **Praxair** is a large industrial electric customer of Empire. Praxair operates a major air liquefaction and constituent gas separation facility near Neosho, Missouri and in Kansas City, Missouri. Praxair is the successor in interest to the Linde Division of Union Carbide Corporation.

8. 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 and from Empire District Electric Company 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 most recently concluded regulatory plan cases, EO-2005-0263 and EO-2005-0293 for KCPL and Empire, respectively, and their current rate cases, ER-2006-0314 and ER-2006-0315.

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

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10. Industrials are interested in this matter and the potential implications that Commission adoption or rejection of the proposed EAct2005 standard may have on the terms and conditions of and the rates charged for electric service provided to them. As major electric customer of regulated utilities, Industrials are in positions to be directly affected by the Commission's decisions concerning these standards and may be bound or adversely affected by any Commission order issued in this proceeding. They receive electric service under separate

contracts or rate schedules and because of their size and load factor, they are in positions to represent interests that will not and cannot be represented adequately by any other party and which interest is direct and immediate and clearly differs from that of the general public. Therefore, it will aid the Commission and protect and advance the public interest that Industrials be permitted to intervene in this proceeding so as to protect its members' interest which no other party is in a position properly to protect and adequately represent.

11. Representatives of Industrials participated in earlier workshops on these proposed standards and therein offered comments on them. Industrials had intended to continue their involvement in these matters but were not aware of the initiation of these proceedings or Commission orders establishing them and setting intervention deadlines at the time until a call from a member of the Commission Staff questioning the lack of involvement. A Commission Staff member (Steven Dottheim) has indicated to undersigned counsel that the purpose of the Missouri Staff was to have numerous entities involved in the proceeding and thus indicated that there would not be objection from the Staff to a late-filed request to intervene.

12. This matter is apparently to be conducted in a workshop case with an "EO" case number. The proceeding is still in an early stage. Although the prehearing conference has occurred, Industrials are prepared to accept the status of the record in this proceeding as they find it and will not seek a

delay or deferral of the proceedings by reason of their late-filed intervention. The Commission's determination regarding this standard is not required to be made until August 8, 2008. Thus there is thus sufficient time for Industrials to perfect their participation in the matter.

13. For purposes of 4 C.S.R. 240-2.075(2), Industrials state that they generally oppose unduly discriminatory pricing and availability of electricity and related utility services. Representatives of Industrials continue to review the proposed EAct2005 standards and intend to develop a more detailed statement of position and identification of issues with respect to them at a later time.

WHEREFORE, Industrials pray (without prejudice to later requests for relief save as noted above): (a) that they be permitted to intervene herein and be parties 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.



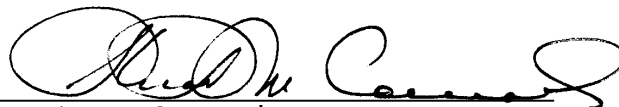
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ATTORNEYS FOR INDUSTRIALS

August 14, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid or by electronic mail addressed to all parties by their attorneys of record as provided by the Secretary of the Commission.



Stuart W. Conrad

Dated: August 14, 2006