

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

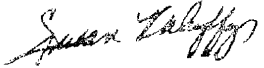
Before Commissioners:

Brian J. Moline, Chairman  
John Wine, Commissioner  
Robert Krehbiel, Commissioner

STATE CORPORATION COMMISSION

SEP 22 2003

In the Matter of the Filing of Written Documents )  
and Fuel Purchase Reports by Aquila, Inc. d/b/a )  
Aquila Networks-WPK, as Prescribed by )  
Commission Order dated September 25, 2002 in )  
Docket No. 106,850-U/75-GIMC-009-GIG )

 Docket  
Room

Doc. No. 03-AQLE-319-ECA

**PETITION TO INTERVENE OF  
BOC GASES**

COMES NOW BOC Gases ("BOC"), a wholly owned subsidiary of BOC Group, Inc., a Delaware corporation, and pursuant to the Commission's Rules of Practice and Procedure, K.A.R. 82-1-225, and petitions for leave to intervene herein and become a party hereto for all purposes in respect to the periodic filings made herein by Aquila, Inc. d/b/a Aquila Networks-WPK ("WPK"). In support, BOC states as follows:

1. BOC is a corporation engaged in the commercial production of gas products in multiple locations in the United States, including within the State of Kansas. BOC is a customer of WPK, purchasing substantial amounts of electricity from WPK.

2. As a customer of WPK, BOC has a substantial interest in this proceeding and may be adversely affected by any decision rendered in this proceeding.

3. As a purchaser of substantial amounts of electricity from WPK, BOC is directly affected by prices charged under the ECA of WPK, and therefore, BOC has a direct interest in the subject of this proceeding.

3. No other party can adequately represent the interests of BOC in this matter.

4. BOC requests that its representatives be placed on the official service list for this matter:

Stuart W. Conrad, Esq.  
C. Edward Peterson, Esq.  
FINNEGAN, CONRAD & PETERSON, L.C.  
1209 Penntower Office Center  
3100 Broadway  
Kansas City, Missouri 64111  
Telephone: (816) 753-1122  
Facsimile: (816) 756-0373

Mark Zimmerman  
BOC Gases  
575 Mountain Road  
Murray Hill, NJ 07943

5. BOC is requesting leave to intervene in this proceeding in order to represent its interests as a commercial enterprise and customer of WPK, which interests may be adversely affected by any decision rendered in this proceeding.

6. Counsel for BOC have conferred with Counsel for WPK who has stated he does not object to this Petition.

WHEREFORE, the Petitioner, BOC Gases, respectfully requests that it be granted intervention with full rights of participation in this matter, and that the Commission grant such other relief as it shall deem just and appropriate.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.,

By: 

STUART W. CONRAD MO. #23966  
C. EDWARD PETERSON KS #11129  
1209 Penntower Office Center  
3100 Broadway  
Kansas City, MO 64111

(816) 753-1122  
(816) 756-0373 FAX

ATTORNEYS FOR BOC GASES

**Certificate of Service**


The undersigned certifies that a true and correct copy of the foregoing Petition to Intervene was deposited in the United States Mail, first class postage prepaid, this 5<sup>th</sup> day of September, 2003, to the following:

James G. Flaherty  
Anderson, Byrd, Richeson, Flaherty & Henrichs  
P.O. Box 17  
Ottawa, KS 66067

W. Scott Keith  
Aquila, Inc.  
P.O. Box 11739  
Kansas City, MO 64138

Susan Cunningham  
Kansas Corporation Commission  
1500 Arrowhead Road  
Topeka, KS 66604

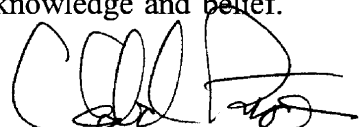
David Springe  
Niki Christopher  
Citizens Utility Ratepayers Board  
1500 Arrowhead Road  
Topeka, KS 66604

  
\_\_\_\_\_  
C. Edward Peterson

Verification

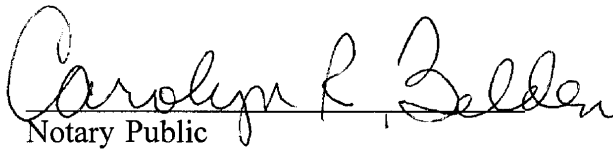
State of Missouri            )  
  )  
County of Jackson         )        ss

Comes now the undersigned and upon oath first duly sworn states that he has read the foregoing pleading, he is familiar with the contents thereof, and that the statements contained therein are true and correct to the best of knowledge and belief.



\_\_\_\_\_  
C. Edward Peterson

Subscribed and sworn to before me this 9<sup>th</sup> day of September, 2003.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
Nov. 3, 2003

