

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 12th day  
of April, 2007.

In the Matter of the Tariffs of Aquila, Inc., d/b/a	)	
Aquila Networks – MPS and Aquila Networks – L&P	)	
Increasing Electric Rates for the Services Provided	)	<b><u>Case No. ER-2007-0004</u></b>
to Customers in the Aquila Networks – MPS and	)	Tariff No. YE-2007-0001
Aquila Networks – L&P Service Areas	)	

**ORDER APPROVING STIPULATION AND AGREEMENT  
AS TO CERTAIN ISSUES**

Issue Date: April 12, 2007

Effective Date: April 22, 2007

On April 4, 2007, during the course of the hearing of this case, several parties filed a nonunanimous Stipulation and Agreement as to Certain Issues (Stipulation). The Stipulation was signed by the following parties: Aquila, Inc., Staff of the Commission; Office of the Public Counsel, AARP, Sedalia Industrial Energy Users Association, AG Processing, Inc., Federal Executive Agencies, Department of Natural Resources, and City of St. Joseph. The Stipulation reflected the agreement of the signatory parties regarding several issues that would otherwise have been the subject of testimony presented to the Commission at the evidentiary hearing conducted from April 2 through April 13, 2007.

The Stipulation is nonunanimous in that it was not signed by all parties. However, Commission rule 4 CSR 240-2.115(2) provides that other parties have seven days in which to object to a nonunanimous stipulation and agreement. If no party files a timely objection to the stipulation and agreement, then the Commission may treat it as a unanimous

stipulation and agreement. Each party to this case that did not sign the Stipulation has filed a notice advising the Commission that, although not a signatory to the Stipulation, it does not object to the Stipulation<sup>1</sup>. Further, more than seven days have now passed since the Stipulation was filed and no party has raised an objection. Therefore, the Commission will treat the Stipulation as a unanimous partial stipulation and agreement.

The Commission conducted an on-the-record presentation regarding the Stipulation on April 12, 2007. At that time, the Commission questioned the parties about the various stipulations and agreements.

After reviewing the Stipulation and after hearing the arguments and explanations of the parties, the Commission finds that the Stipulation filed on April 4, 2007, should be approved as a resolution of the issues addressed by that Stipulation. In approving Stipulation, the Commission is only accepting the agreement of the parties to resolve these particular issues in this particular case. The Commission is not endorsing any particular position with regard to these issues and its approval of this partial stipulation and agreement should not be interpreted as such an endorsement in any future case.

**IT IS ORDERED THAT:**

1. The Stipulation and Agreement as to Certain Issues filed on April 4, 2007, is approved as a resolution of the issues addressed in that stipulation and agreement. A copy of the stipulation and agreement is attached to this order as Exhibit A.
2. The signatory parties are ordered to comply with the terms of the partial stipulation and agreement.

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<sup>1</sup> The Commercial Group, Union Electric Company, d/b/a AmerenUE, Kansas City, Missouri, and Jackson County, Missouri each filed notices of non-objection to the Stipulation on April 4, 2007.

3. This order shall become effective on April 22, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Clayton,  
and Appling, CC., concur.  
Gaw, C., dissents.

Voss, Regulatory Law Judge