

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

In the Matter of the Tariff Filing of Aquila, Inc., to)
Implement a General Rate Increase for Retail)
Electric Service Provided to Customers in its MPS)
and L&P Missouri Service Areas.)

Case No. ER-2005-0436

**STAFF'S RESPONSE TO SIEUA, AGP AND FEA'S MOTION FOR EXPEDITED
CONSIDERATION AND MOTION TO SHORTEN RESPONSE TIME**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its response to the motion of SIEUA, AGP and FEA for expedited consideration and motion to shorten response time states:

1. By e-mail with a time stamp of 10:48 p.m., Tuesday, November 8, 2005, the movants served the undersigned counsel for the Staff with a motion asking the Commission to strike portions of the direct testimony of witnesses of the Staff and the Office of the Public Counsel.

2. The following day, by e-mail bearing a time stamp of 10:31 p.m., Wednesday, November 9, 2005, the movants served the undersigned counsel for the Staff with their motion seeking expedited consideration and motion seeking to shorten the response time for the above motion to strike testimony to Monday, November 14, 2005.

3. As the Commission is aware, Friday, November 11, 2005 is a state holiday.

4. Public Counsel has correctly pointed out in its November 10, 2005 response to the movant's November 9, 2005 motion that in its July 21, 2005 order in which it established the procedural schedule in this case, the Commission specifically set a time and date for the filing of

direct testimony by all parties other than Aquila, Inc. on the issues of rate design, and class cost-of-service, that time and date being 4:00 p.m. October 28, 2005.

5. Despite having been served electronically on October 28, 2005 with the aforesaid Staff testimony, which was limited only to rate design and class cost-of-service issues, and with paper copies by U.S. mail deposited in the mail, Friday, October 28, 2005, the movants waited until after normal business hours Tuesday, November 8, 2005 to file their motion to strike, then waited until after normal business hours Wednesday, November 9, 2005 to file their motion for expedited consideration and motion to shorten the response time to their motion to strike to Monday, November 14, 2005.

6. The Staff concurs with Public Counsel that the basis of movants' request for expedited treatment is largely the product of their failure to act expeditiously.

7. While the Staff does not here fully develop its positions in response to the movants' motion to strike portions of the testimony of Mr. Watkins and Mr. Busch and the example study the Staff prefled, the Staff does point out in the prefled direct testimony of Mr. Watkins, at page 3, the Staff recommends that the Commission do the following: (1) determine the appropriate allocation factors in Case No. EO-2002-384, (2) determine the appropriate cost structure and revenues in Case No. ER-2005-0436 and (3) require the filing in Case No. ER-2005-0436 of the results of a class cost-of-service study based on that foregoing. Apparently, the movants want the Commission to treat the results of the class cost-of-service study in Case No. EO-2002-384 as a relevant factor for setting rates in Case No. ER-2005-0436, despite the fact the cost and revenue information used for the study results in Case No. EO-2002-384 were taken from the calendar year 2002, updated for known and measurable changes through September 30,

2003, and the parties in this case are contesting Aquila, Inc.'s current costs and revenues in this case.

WHEREFORE the Staff joins Public Counsel in requesting the Commission give the Staff and Public Counsel at least until 4:00 p.m., Wednesday, November 16, 2005 to fully respond to the motion of SIEUA, AGP and FEA to strike certain direct testimony prefiled by the Staff and the Office of the Public Counsel.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Nathan Williams
Nathan Williams
Senior Counsel
Missouri Bar No. 35512

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
(573) 751-9285 (Fax)
nathan.williams@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 10th day of November 2005.

/s/ Nathan Williams