

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

In the Matter of Aquila, Inc., to Implement	)	
a General Rate Increase for Retail Electric	)	<b><u>Case No. ER-2007-0004</u></b>
Service Provided to Customers in its Aquila	)	Tariff No. YE-2007-0001
Networks-L&P Missouri Service Areas.	)	

**ORDER GRANTING MOTION TO LATE-FILE TESTIMONY**

Issue Date: January 19, 2007

Effective Date: January 19, 2007

On August 22, 2006, the Missouri Public Service Commission issued an order establishing January 18, 2007, as the deadline for all parties, other than Aquila, Inc., to file revenue requirement direct testimony in this case. On January 18, the Commission's Staff filed a Motion for Leave to Late-File Direct Testimony. In that motion, Staff advised the Commission that the direct testimony of Staff witness Phillip K. Williams would not be timely filed on the 18<sup>th</sup>, because Mr. Williams had left town to be with his mother who was removed from life support on the 16<sup>th</sup>. Accordingly, Staff asked the Commission for leave to late-file Mr. Williams' direct testimony. Staff could not give a date certain by which Mr. Williams' testimony can be filed.

In further support of its motion Staff stated that the other parties to the case had been contacted and no party objects to Mr. Williams' direct testimony being late filed. However, Staff noted that, while Aquila did not object to Staff's motion, Aquila expressly reserved the right to late file supplemental rebuttal testimony depending on when Mr. William's testimony is filed and the number and complexity of the issues his testimony may address.

The Commission finds Staff's request to be reasonable and it will be granted. However, the Commission reminds Staff, as well as the other parties to this case, that the procedural schedule recommended by the parties and adopted by the Commission in this case is very tight. That procedural schedule only allows the parties two weeks from the conclusion of the evidentiary hearing to file post-hearing briefs, and those briefs are due just over four weeks prior to the operation of law date of Aquila's underlying tariff. Accordingly, the Commission will not delay the currently scheduled hearing or extend the deadline for filing post-hearing briefs.

**IT IS ORDERED THAT:**

1. The Motion for leave to late-file the direct testimony of Commission Staff witness Phillip K. Williams is granted.
2. This order will become effective on January 19, 2007.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Cherlyn D. Voss, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 19<sup>th</sup> day of January, 2007.