

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 29th day of
August, 2006.

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)	<u>Case No. ER-2007-0004</u>
to Customers in the Aquila Networks – MPS and)	Tariff No. YE-2007-0001
Aquila Networks – L&P Service Areas)	

**ORDER ESTABLISHING DATE FOR RESPONDING TO MOTION
REGARDING TRANSITIONAL PROCEDURES**

Issue Date: August 29, 2006

Effective Date: August 29, 2006

On August 11, 2006, Aquila, Inc., filed a motion asking the Commission to issue an order establishing transitional procedures for the handling of Aquila's request for a fuel and purchased power cost recovery mechanism. Under the Commission's rules of procedure,¹ other parties would be allowed ten days in which to respond to Aquila's motion. On August 21, the tenth day after Aquila filed its motion, AARP filed a motion requesting additional time to respond. That motion represents that Public Counsel, SIEUA and AG Processing concur in AARP's request.

AARP explained that Aquila's proposed adoption of transitional procedures raises "unique issues of profound importance to the public." A similar proposal is currently pending in AmerenUE's on-going rate case – ER-2007-0002 – and August 31 has been

¹ 4 CSR 240-2.080(15).

established as the deadline for responding to the proposal in that case. AARP requests that August 31 also be established as the deadline for responding to Aquila's proposal to adopt transitional procedures.

On August 22, Aquila filed a response opposing AARP's request for additional time. Aquila explains that AARP's motion was filed electronically at 6:46 p.m. on the evening of August 21. Aquila points out that Commission Rule 4 CSR 240-2.080(11) provides that pleadings received after 4:00 p.m. will be stamped as filed on the next business day. Actually, since AARP's motion was filed electronically, the determination of the filing date is controlled by Commission Rule 4 CSR 240-2.045(2), which provides that documents filed electronically after the close of business for the day – 5:00 p.m. – are to be considered filed as of the following business day. Under either rule, however, AARP's motion was filed on August 22, the eleventh day after Aquila filed its motion regarding transitional procedures. On that basis, Aquila asks that the Commission deny AARP's motion for additional time to respond and rule on Aquila's motion as unopposed.

As AARP's request for additional time to respond points out, the question of what transitional procedures the Commission should adopt is an important decision that could have a significant impact on Aquila's ratepayers. Aquila suggests that because AARP filed its motion for additional time to respond 1 hour and 46 minutes late, the Commission should forego the opportunity to consider the recommendations of the other parties and simply accept Aquila's motion as submitted. The Commission is not, however, willing to close its eyes to additional information and viewpoints that may be submitted by the other parties. The Commission will allow more time for the filing of responses to Aquila's motion.

IT IS ORDERED THAT:

1. Any party wishing to respond to the Motion of Aquila, Inc., for an Order Applying the Transitional Procedures Included in 4 CSR 240-20.090(16) to the Current Case shall do so no later than August 31, 2006.
2. This order shall become effective on August 29, 2006.

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, Gaw, Clayton and Appling, CC., concur

Woodruff, Deputy Chief Regulatory Law Judge