

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

In the matter of Aquila, Inc. d/b/a Aquila)	
Networks–L&P and Aquila Networks-)	Case No. <u>ET-2008-0397</u>
MPS’s Tariff Revision Concerning Energy)	Tariff No. JE-2008-0749
Audit Programs.)	

STAFF RECOMMENDATION TO APPROVE TARIFF SHEETS

Comes now the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On June 17, 2008, Aquila, Inc. d/b/a Aquila Networks-L&P and Aquila Networks-MPS, filed three (3) proposed tariff sheets designed to remove from its tariff three (3) energy audit programs—Residential Mail-in Audits, Large Commercial and Industrial Audits, and Small Commercial and Industrial Audits—which have been superseded by new energy audit programs—Home Performance with Energy Star®, Energy Audit and Energy Savings Measures Program—that became available when the tariff sheets for them became effective on April 30, 2008. The tariff sheets bear an effective date of July 17, 2008. At the same time it filed the tariff sheets, Aquila also filed a *Motion for Expedited Treatment* requesting the Commission to make the tariff sheets effective on June 27, 2008.

2. On June 18, 2008, the Commission ordered its Staff to respond to Aquila’s *Motion for Expedited Treatment* by noon of June 19, 2008, by filing either the Staff’s recommendation or a pleading advising when the Staff plans to file its recommendation.

3. In the attached Memorandum (Appendix A), the Missouri Public Service Commission Energy Department Staff recommends that the Commission issue an Order that both approves the following proposed tariff sheets, as filed on June 17, 2008, and, for good cause

shown—namely that these energy audit programs have been superseded by new energy audit programs—makes them effective on June 27, 2008, rather than July 17, 2008:

Aquila Networks, P.S.C. MO. No. 1 (Rules)

5 th Revised <u>Sheet</u> No. R-3,	Canceling	4 th Revised Sheet No. R-3
1 st Revised Sheet No. R-63,	Canceling	Original Sheet No. R-63
1 st Revised Sheet No. R-64,	Canceling	Original Sheet No. R-64

4. Section 393.140(11), RSMo 2000, requires that proposed changes to tariffs not go into effect with less than thirty (30) days’ notice, unless the Commission determines otherwise for “good cause shown.” The proposed tariff sheets will remove from Aquila’s tariff energy audit programs that are replaced by new energy audit programs that became available through tariffs which became effective April 30, 2008; therefore, these replaced programs should no longer be available to Aquila’s customers.

5. The Staff believes that making the tariff sheets effective on less than thirty (30) days’ basis will enhance customer understanding about which energy audit programs are available and will cause no harm. These considerations show the good cause required by section 393.140(11), RSMo 2000, for the Commission to determine and order that the tariff sheets go into effect on less than thirty (30) days’ notice.

6. The Staff has verified that Aquila has filed its annual report and is not delinquent on any assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing.

WHEREFORE, the Staff recommends that the Commission issue an order that both approves the following proposed tariff sheets, as filed on June 17, 2008, and, for good cause shown, makes them effective on June 27, 2008, rather than July 17, 2008:

Aquila Networks, P.S.C. MO. No. 1 (Rules)

5 th Revised <u>Sheet</u> No. R-3,	Canceling	4 th Revised Sheet No. R-3
1 st Revised Sheet No. R-63,	Canceling	Original Sheet No. R-63

1st Revised Sheet No. R-64, Canceling

Original Sheet No. R-64

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams

Deputy General Counsel

Missouri Bar No. 35512

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronically mailed to all counsel of record this 19th day of June 2008.

/s/ Nathan Williams

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. ET-2008-0397, Tariff Tracking No. JE-2008-0749
Aquila, Inc. d/b/a Aquila Networks – L&P and Aquila Networks – MPS

FROM: James Watkins, Project Coordinator
Mack McDuffey, Rate & Tariff Examiner II

/s/ James C. Watkins 6/19/08
Energy Department / Date

/s/ Nathan Williams 6/19/08
General Counsel's Office / Date

SUBJECT: Staff Recommendation For **Approval** Of Tariff Sheets Filed To Remove Three Energy Audit Programs

DATE: June 19, 2008

On June 17, 2008, Aquila, Inc. d/b/a Aquila Networks – L&P and Aquila Networks - MPS (Aquila) filed with the Commission three (3) rules tariff sheets each bearing an issue date of June 17, 2008 and a proposed effective date of July 17, 2008. Aquila also filed a Motion For Expedited Treatment dated June 17, 2008, seeking for the tariff sheets to become effective June 27, 2008. These tariff sheets are designed to remove from Aquila’s tariff three energy audit programs that have subsequently been replaced by energy audit programs which are virtually identical to the programs offered by their neighboring electric utility, Kansas City Power & Light Company.

The Staff believes that making the tariff sheets effective on less than thirty (30) days’ basis will reduce the possibility of customer confusion about the availability of the energy audit programs.

The Commission’s Energy Department Staff (Staff) has reviewed the filed tariff sheets and is of the opinion that the three energy audit programs that are superseded by new programs should be removed from the Company’s tariff. Staff therefore recommends that the Commission **approve** the following proposed tariff sheets, as filed on June 17, 2008, to become effective on June 27, 2008 as requested in Aquila’s Motion, with less than 30 day’s notice for good cause shown pursuant to Section 393.140(11) RSMo 2000.

Aquila Networks, P.S.C. MO. No. 1 (Rules)

5 th Revised Sheet No. R-3, Canceling	4 th Revised Sheet No. R-3
1 st Revised Sheet No. R-63, Canceling	Original Sheet No. R-63
1 st Revised Sheet No. R-64, Canceling	Original Sheet No. R-64

The Staff has verified that Aquila has filed its 2007 annual report and is not delinquent on any assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing.

