

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

In the Matter of the Application of Trigen- )  
Kansas City Energy Corporation for a )  
Certificate of Public Convenience and )  
Necessity Authorizing It to Construct, Install, )  
Own, Operate, Control, Manage and Maintain )  
a Steam Heat Distribution System to Provide )  
Steam Heat Service in Kansas City, Missouri, )  
as an Expansion of Its Existing Certified Area )

**Case No. HA-2006-0294**

**ORDER GRANTING TRIGEN-KANSAS CITY ENERGY**  
**CORPORATION'S REQUEST FOR EXPEDITED RECLASSIFICATION**  
**OF MISSOURI GAS ENERGY'S OCTOBER 16, 2007 SUGGESTION AND**  
**DIRECTING RESPONSES**

Issue Date: October 17, 2007

Effective Date: October 17, 2007

On January 10, 2006, Trigen-Kansas City Energy Corporation ("Trigen") filed an application for a certificate of convenience and necessity seeking authority to expand its service area in Kansas City, Missouri. Trigen wished to expand its service area to serve a prospective customer, Truman Medical Center (TMC), who had requested that Trigen provide TMC's property with steam heating service. The proposed expansion to the service area also contained other potential steam heat customers.

An evidentiary hearing was held in this matter on May 15, 2006, and the Commission issued its final Report and Order on May 25, 2006, bearing an effective date of June 1, 2006. In that Order, the Commission granted Trigen's application subject to the condition that TMC fund the cost of construction for the proposed extension of Trigen's

facilities to serve TMC. In ordered paragraph number 4 of the Report and Order, the Commission directed Trigen and TMC to file a written agreement setting forth the details of their construction and funding plans for the project, as well as their agreement regarding the mechanism for any refund to TMC for advancing construction costs.

On May 21, 2007, Trigen filed two **highly confidential** documents purporting to satisfy the Commission's order for filing the written agreements as directed in ordered paragraph 4 of the Commission's Report and Order. Trigen asked the Commission to receive these documents and find it to be in full compliance with the Commission's May 25, 2006 Report and Order. Consequently, the Commission directed its Staff to review the newly filed documents and file a report and recommendation as to whether Trigen was in full compliance with the Commission's Report and Order and as to whether this case could be finally closed.

On June 11, 2007, Staff filed its recommendation. Staff recommended that Case No. HA-2006-0294 remain open until such time as the proposed construction is complete and service is established with TMC. In the interest of ensuring full compliance with the Commission's May 22, 2006 Report and Order, the Commission directed Trigen to file a report and recommendation at the time the construction and all payments were complete so that Staff could review all costs, payments and reimbursements associated with the construction. Trigen's final report is due no later than December 31, 2007.

On October 16, 2007, Missouri Gas Energy (MGE) filed suggestions with the Commission recommending the Commission require Trigen to complete a specific study as part of this docket.<sup>1</sup> On October 17, 2007, Trigen filed a response asserting that MGE had

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<sup>1</sup> The Commission will not reveal the specifics of MGE's suggestions because that information is the subject of

publicly disclosed a portion of one of the highly confidential documents in its suggestions to the Commission. Trigen sought immediate reclassification of MGE's suggestions so as to prevent any continuing or future harm from the disclosure of this information. Trigen alleges that the disclosure of this portion of its highly confidential documents is misleading when taken out of context and the disclosure is likely to harm Trigen's ability to negotiate other contracts in the future.

The Commission finds Trigen's request to be reasonable and finds good cause for reclassifying MGE's October 16 filing expeditiously. The Commission will direct its Data Center to reclassify said filing as highly confidential and exclude it from public disclosure on the Commission's Electronic Filing and Information System. Additionally, the Commission will direct MGE to respond to Trigen's October 17, 2007 pleading. If MGE wishes the information in the highly confidential documents to be reclassified as being public it is directed to follow the appropriate procedure as outlined in Commission Rule 4 CSR 240-2.135(B) to seek declassification. If MGE disputes Trigen's claim that the information disclosed MGE's October 16, 2007 suggestions is, in fact, highly confidential, it shall list with particularity the reasons therefore.

In Trigen's request for the Commission to reclassify MGE's suggestions as highly confidential, the company asserts that it is reserving its right to file additional responses to MGE's suggestions. Trigen is certainly free to do so within the prescribed time limits for responsive pleadings; however, because the Commission is directing a response from MGE, Trigen may, at its election, wait until after MGE files its response to this Commission order prior to filing any additional response.

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Trigen's response; namely that the information revealed in MGE's request was highly confidential.

**IT IS ORDERED THAT:**

1. No later than October 26, 2007, Missouri Gas Energy shall file a pleading with the Commission as directed in the body of this order.
2. No later than November 2, 2007, Trigen-Kansas City Energy Corporation shall file any additional responses it has to Missouri Gas Energy's October 16, 2007 "Suggestions of Missouri Gas Energy," as well as any responses that it has to Missouri Gas Energy's forthcoming pleading as directed in this order.
3. Any pleading filed in association with this order shall be designated by the filing party as being highly confidential.
4. This order shall become effective on October 17, 2007.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 17th day of October, 2007.