

# NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

MONROE BLUFF EXECUTIVE CENTER

601 MONROE STREET, SUITE 301

P.O. BOX 537

JEFFERSON CITY, MISSOURI 65102-0537

TELEPHONE: (573) 634-2266

FACSIMILE: (573) 636-3306

www.ncrpc.com

ROBERT K. ANGSTEAD  
ROBERT J. BRUNDAGE  
MARK W. COMLEY  
LANETTE R. GOOCH  
CATHLEEN A. MARTIN

MARTIN A. MILLER  
STEPHEN G. NEWMAN  
THOMAS R. O'TOOLE  
JOHN A. RUTH  
ALICIA EMBLEY TURNER

December 14, 2005

**FILED<sup>4</sup>**

DEC 14 2005

The Honorable Colleen M. Dale  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

Missouri Public  
Service Commission

Re: Case No. ER-2005-0436

Dear Judge Dale:

Please find enclosed for filing in the referenced matter the original and five copies of the Surrebuttal Testimony of Robert T. Jackson, along with Kansas City, Missouri's Motion to Accept Surrebuttal Testimony One Day Out of Time.

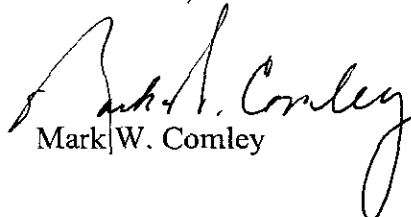
Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
James C. Swearengen  
Stuart Conrad  
Jeffrey A. Keevil

Craig Paulson  
Shelley Woods  
William Steinmeier  
William D. Geary

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>4</sup>

DEC 14 2005

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.            )

Missouri Public  
Service Commission

Case No. ER-2005-0436

**KANSAS CITY, MISSOURI'S**  
**MOTION TO ACCEPT SURREBUTTAL TESTIMONY**  
**ONE DAY OUT OF TIME**

COMES NOW the City of Kansas City, Missouri (hereinafter "City"), and for its above-entitled pleading states as follows:

1. Per the approved procedural schedule for this matter, surrebuttal and cross surrebuttal testimony of the parties was due to be filed on December 13, 2005.
2. Under cover of this motion the City submits the surrebuttal testimony of Robert T. Jackson, Weatherization Program Administrator within the Department of Neighborhoods and Community Services for the City. His testimony is not lengthy but was not able to be filed until today.
3. Mr. Jackson's testimony addresses the single issue of the low income weatherization programs Aquila, Inc. has implemented and the City submits that Mr. Jackson's testimony is beneficial on this matter.
4. Allowing his testimony to be filed one day of time will not prejudice the parties in that the addition of his testimony will not affect the process of issue identification presently underway between the parties.
5. Counsel did not have time to visit with all of the parties in advance of the filing of this motion. However, counsel for Aquila has represented that the company has no objection to this

motion.

WHEREFORE, the City respectfully requests that the surrebuttal testimony of Robert T. Jackson be filed one day out of time.

Respectfully submitted,



Mark W. Comley #28847  
NEWMAN, COMLEY & RUPP P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 (FAX)

Attorneys for City of Kansas City, Missouri

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via email or U.S. Mail on this 14<sup>th</sup> day of December, 2005, to:

James C. Swearngen  
Brydon, Swearngen & England  
P.O. Box 456  
Jefferson City, MO 65102

Office of Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102

General Counsel's Office  
Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

John Coffman  
1623 University Ave.  
Columbia, MO 65201

Stu Conrad  
3100 Broadway, Suite 1209  
Kansas City, MO 64111

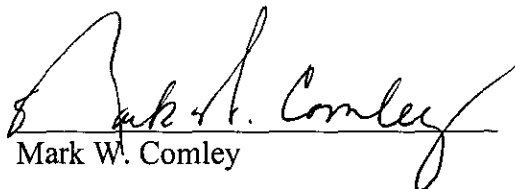
Paul DeFord  
2345 Grand Blvd.  
Kansas City, MO 64106-2684

William Steinmeier  
PO Box 104595  
Jefferson City, MO 65110

Jeffrey Keevil  
4603 John Garry Dr., Suite 11  
Columbia, MO 65203

Major Craig Paulson  
139 Barnes Dr.  
Tyndall Air Force Base, FL  
32403

Shelley Woods  
P.O. Box 899  
Jefferson City, MO 65102-0899



Mark W. Comley