

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

County of Jackson, Missouri,	)	
	)	
Complainant	)	
v.	)	Case No. HC-2005-0331
	)	
Trigen-Kansas City Energy Corp.	)	
	)	
and	)	
	)	
Thermal North America, Inc.	)	
	)	
Respondents.	)	

**STAFF'S MOTION TO SUSPEND AND REQUEST FOR EXPEDITED TREATMENT**

**COMES NOW** Staff of the Missouri Public Service Commission (Staff) and respectfully submits as follows:

1. On March 29, 2005, the County of Jackson, Missouri (Jackson County) filed a complaint with the Missouri Public Service Commission (Commission) against Trigen-Kansas City Energy Corp. (Trigen), and Thermal North America, Inc. (Thermal).
2. On April 4, 2005, a hearing was held in this case.
3. On April 7, 2005, the Commission issued its Report and Order. In this Report and Order, the Commission lifted its March 31, 2005 Order directing Trigen and Thermal not to cut their steam main loop. The Commission further ordered Trigen and Thermal to file an Answer to Jackson County's Complaint by April 29, 2005.
4. Trigen filed its Answer on May 2, 2005.
5. On May 3, 2005, the Commission set a Prehearing Conference for May 16, 2005.
6. A Prehearing Conference was held on May 16, 2005.

7. On May 24, 2005, the Commission issued an Order Adopting a Procedural Schedule.

8. On May 17, 2005, Staff submitted Data Requests to Jackson County. The Data Request responses were due on June 6, 2005. Staff has received no responses nor objections to these Data Requests. Staff requests a Commission Order directing Jackson County to respond to these Data Requests no later than August 3, 2005.

9. Jackson County did not file its Direct Testimony on July 20, 2005 as required by the Procedural Schedule. Jackson County also failed to respond to Staff's Data Request. Staff's ability to prepare its case by September 7, 2005 is greatly impaired without Jackson County's Direct Testimony and Data Request Responses.

10. Staff Counsel attempted to contact Jackson County Counsel via phone and email and received no response.

11. Staff is seeking expedited treatment of this Motion by the Commission pursuant to Commission Rule 4 CSR 240-2.080(16). Staff asks the Commission to suspend the procedural schedule immediately. Staff submits that all of the Parties to the case are being harmed by Jackson County's failure to file Testimony. Staff and the other Parties as well, cannot prepare testimony without Jackson County filing its testimony and responding to Staff's Data Requests. Furthermore, there will be no negative effect on the general public or any other entity if this Motion is granted. On the contrary, all entities will benefit because all Parties will then be able to file testimony pursuant to a revised Procedural Schedule. Staff has filed this Motion as soon as reasonably practical.

12. Staff is prejudiced in this matter. Staff must file its testimony on or before September 7, 2005. Staff cannot adequately prepare its case without the Data Request Responses and Jackson County's Direct Testimony. For this reason, Staff seeks the relief requested herein.

**WHEREFORE**, Staff respectfully requests that the Commission suspend the Procedural Schedule, grant Staff's Motion for Expedited Treatment, order Jackson County to respond regarding the status of its testimony, order Jackson County to respond to Staff's Data Requests on or before August 3, 2005, set a Prehearing Conference regarding a new Procedural schedule and Discovery in this case and any other relief the Commission deems just and proper.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Robert V. Franson  
Robert V. Franson  
Senior Counsel  
Missouri Bar No. 34643

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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 electronic mail to all counsel of record this 25<sup>th</sup> day of July, 2005.

/s/ Robert V. Franson