

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of Aquila, Inc. d/b/a     )  
Aquila Networks-MPS and Aquila     )  
Networks-L&P, for authority to file     )     ER-2007-0004  
tariffs increasing electric rates     )  
for the service provided to custom-     )  
ers in the Aquila Networks-MPS and     )  
Aquila Networks-L&P service areas     )

RESPONSE OF SIEUA and AGP TO  
STAFF MOTION TO ORDER POST-HEARING "SETTLEMENT CONFERENCE"

Commission Rules provide that any party may request that a prehearing conference be scheduled.<sup>1/</sup> Reasonable notice of such prehearing conferences is to be provided by the Commission if such a conference is ordered.<sup>2/</sup> We have found no rule, however, that permits a party to request that a "settlement conference" be scheduled by Commission order, certainly nothing addressing a post-hearing settlement conference. Typically, such

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<sup>1/</sup> 4 CSR 240-2.090(4) provides:

(4) Any party may petition the commission to hold a prehearing conference at any time  
***prior to the hearing.***

Emphasis added.

<sup>2/</sup> 4 CSR 240-2.090(3) provides:

(3) All prehearing conferences shall be held as directed by the commission or presiding officer, ***and reasonable notice of the prehearing conference time shall be given to the parties involved.***

Emphasis added.

conferences are set by agreement of the parties at the time the original procedural schedule is proposed. Staff's motion conspicuously cites no authority for the relief requested. Indeed, given that 4 CSR-2.125 provides a specific process for Alternative Dispute Resolution which commences with agreement of the parties that such a procedure is appropriate, action by the Commission to attempt to force the parties to "settle" a dispute, particularly one already tried, may not be permissible under Commission Rules.

That said, these parties do not object to participating in an informal meeting of the parties to discuss the status of this case and any other relevant considerations that one or more parties may find it appropriate to discuss. However, just as there is no Commission Rule providing for the convening of a "settlement conference" on such short notice, there is no Commission Rule that provides for an order to "the parties" to file a status report or any other report with the Commission. The Staff, and any other party, is, of course, entirely free to make such unilateral filings as they desire, subject to the standard

response time provided by Commission Rules and subject to other Commission Rules regarding settlement privilege.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



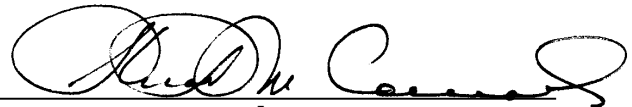
Stuart W. Conrad MBE #23966  
3100 Broadway, Suite 1209  
Kansas City, Missouri 64111  
(816) 753-1122  
Facsimile (816) 756-0373  
Internet: stucon@fcplaw.com

ATTORNEYS FOR AG PROCESSING INC., A  
COOPERATIVE and SEDALIA INDUSTRIAL  
ENERGY USERS' ASSOCIATION

April 16, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid or by electronic mail addressed to all parties by their attorneys of record as provided by the Secretary of the Commission.



Stuart W. Conrad

Dated: April 16, 2007