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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
January 26, 2004
Jefferson City, Missouri
Volume 7

In the Matter of Aquila, Inc., d/b/a)
Aquila Networks - MPS and Aquila) Case No. GR-2004-0072
Networks - L&P, Natural Gas General)
Rate Increase)

VICKY RUTH, Presiding,
SENIOR REGULATORY LAW JUDGE.

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1 P R O C E E D I N G S

2 JUDGE RUTH: Good morning. We are here for a
3 prehearing conference in Case GR-2004-0072. The case is
4 regarding Aquila's request for a natural gas increase, and
5 my name is Vicky Ruth and I'm the Regulatory Law Judge
6 assigned to this case. Today's date is January 26, 2004,
7 and it is 10 a.m.

8 Let's begin by taking entries of appearance.
9 Aquila?

10 MR. COOPER: Dean L. Cooper from the law firm
11 of Brydon, Swearingen & England, P.C., P.O. Box 456,
12 Jefferson City, Missouri 65102, appearing on behalf of
13 Aquila, Inc, doing business as Aquila Networks - MPS and
14 Aquila Networks - L&P.

15 JUDGE RUTH: Thank you. Staff?

16 MR. SCHWARZ: Tim Schwarz, Robert Franson, Bob
17 Berlin, and perhaps others, for the Staff of the Missouri
18 Public Service Commission, P.O. Box 360, Jefferson City,
19 Missouri 65102.

20 JUDGE RUTH: Thank you. Public Counsel?

21 MR. MICHEEL: Douglas E. Micheel appearing on
22 behalf of the Office of the Public Counsel and the public,
23 P.O. Box 2230, Jefferson City, Missouri 65102-2230.

24 JUDGE RUTH: Sedalia Industrial Energy Users
25 Association?

1 MR. CONRAD: On behalf of them, Stu Conrad
2 with the law firm of Finnegan, Conrad & Peterson,
3 3100 Broadway, Suite 1209, Kansas City, Missouri 64111.

4 JUDGE RUTH: Thank you. Missouri Department
5 of Natural Resources?

6 MS. RANGLES: Amy Randles, Assistant Attorney
7 General, appearing on behalf of the Missouri Department of
8 Natural Resources. My address is P.O. Box 899, Jefferson
9 City, Missouri 65102.

10 JUDGE RUTH: Thank you. And the City of
11 Kansas City?

12 MR. COMLEY: Mark W. Comley, Newman, Comley &
13 Ruth. My mailing address is 601 Monroe, Suite 301, Post
14 Office Box 537, Jefferson City, Missouri.

15 JUDGE RUTH: Thank you. And Cornerstone
16 Energy, Incorporated?

17 (No response.)

18 JUDGE RUTH: Okay. I see no one here from
19 Cornerstone. Are there any other parties that I have
20 missed?

21 (No response.)

22 Okay. In early August Aquila filed proposed
23 rate increases. The Commission suspended those by order
24 issued August 20th, 2003, and later, on October 9th, the
25 Commission issued an Order adopting a procedural schedule

1 that, among other things, included the prehearing conference
2 set for today and later in the week.

3 The purpose of the prehearing conference is to
4 allow the parties to meet and discuss the issues and
5 possibly narrow or even resolve some of those issues.
6 Before we move on to that portion of the prehearing
7 conference, however, I have a few items that I would like to
8 address.

9 Okay. The first thing is this morning the
10 Commission issued a notice that the local public hearings
11 set for today in Marshall at noon and in Sedalia tonight at
12 6 p.m. have both been canceled. They will be rescheduled.
13 They were canceled due to the weather and then the
14 anticipated bad weather that is yet to come.

15 The second thing I want to mention is that
16 Aquila filed on January 22nd a motion for an extension of
17 time regarding OPC's motion to dismiss. Public Counsel
18 indicates that it contacted several of those parties and
19 that there were no objections to that extension. I'll
20 ask --

21 MR. COOPER: Well, counsel for the company.

22 JUDGE RUTH: I'm sorry. Counsel for the
23 company contacted, and you contacted Staff and Public
24 Counsel, right?

25 MR. COOPER: Yes.

1 JUDGE RUTH: And they did not object, correct?
2 Then I'll ask any of the other parties if you object to the
3 extension of time? The way the extension was worded is it
4 would actually allow any party an extension up to
5 February 5th to file a response to that motion to dismiss.
6 Okay. Then I will grant that on the record. The new
7 deadline for responses to Public Counsel's motion to dismiss
8 is now February 5th, 2004, and I'll issue a notice just
9 confirming that.

10 Then the last thing, back in October the
11 company filed a motion to strike regarding a letter of
12 protest and supporting petition that had been filed. The
13 company noted that the signatories actually did not receive
14 gas service from the company, and asked that the letter of
15 protest and the petition be struck.

16 No party filed an objection to that, and the
17 time for doing so has passed. So the Commission will grant
18 the motion to strike, and I will issue a notice regarding
19 that also.

20 Okay. Are there any other matters that need
21 to be discussed at this time? Staff?

22 MR. SCHWARZ: Judge Ruth, the procedural
23 schedule indicated that last week a reconciliation was due.
24 Staff respectfully requests -- well, to begin with, we have
25 an unreconciled difference between ourselves and the

1 company.

2 But further, we think that it would probably
3 make a lot of sense to wait until substantially after this
4 prehearing in case any issues are resolved before filing a
5 reconciliation. I would suggest that the reconciliation be
6 filed with the statements of position on the 16th of March,
7 if that meets with the pleasure of the Commission.

8 JUDGE RUTH: Okay. Staff has proposed moving
9 the reconciliation date from January 20th to March 16th.
10 Does anyone have a comment or an objection to moving this
11 date?

12 MR. COOPER: No objection.

13 MR. MICHEEL: No objection.

14 MR. CONRAD: We have no objection.

15 JUDGE RUTH: Okay. I will grant the request.
16 The case reconciliation will now be due on March 16th, along
17 with the position statements that were already scheduled for
18 that date. I'll note that the position statements are due
19 at 12 p.m. on that date. So I'll request that the
20 reconciliation also be filed at 12 p.m.

21 And in the notice, I'll probably issue one
22 notice after the hearing, and it will address the granting
23 of Aquila's extension for time, the motion to strike, and
24 then also moving the deadline for the case reconciliation.

25 Are there any other matters?

1 MR. CONRAD: Just a clarification, your Honor.
2 Your earlier order about granting the motion to strike, was
3 that the letter from the legislator and a packet of
4 materials that that was directed to?

5 JUDGE RUTH: Yes, it was. I was going to see
6 if I had a copy. I have the motion to strike with --

7 MR. CONRAD: Your Honor, I don't need to -- I
8 just wanted to clarify in my mind that's what we were
9 talking about.

10 JUDGE RUTH: Yes.

11 MR. CONRAD: That's fine. We did not respond
12 to those motions.

13 JUDGE RUTH: It was the letter of protest and
14 petition were submitted to the Commission by James Guest,
15 Missouri State Representative for the 5th District.

16 Okay. I saw no other hands raised. Implies
17 there are no other matters for --

18 MR. CONRAD: Do we need to discuss briefly on
19 the record kind of the discombobulation on available
20 personnel? And I will just suggest that, just frankly for
21 your benefit, I think we'll obviously be discussing it
22 later, but --

23 JUDGE RUTH: That would be a good idea. I
24 don't know who is supposed to be here that wasn't able to
25 make it today, and I don't know how far behind that's going

1 to put the parties. If anyone can add anything?

2 MR. CONRAD: I think Dean might want to speak
3 to that, or rather Mr. Cooper, because it might have
4 implications in some aspects of the schedule later on.

5 MR. COOPER: Yeah. I don't know that that's
6 the case. I don't know whether on the record or off the
7 record is necessarily the best place. But what Mr. Conrad
8 refers to is the fact that my company personnel are not here
9 in Jefferson City today as a result of travel problems with
10 the weather. I hope that they will be here in Jefferson
11 City tomorrow, actually later today.

12 But I think when we go off the record we'll
13 need to talk amongst the parties to determine how that
14 impacts, I guess, what we would schedule to do this week.

15 JUDGE RUTH: Okay. I'll note that the -- this
16 room is scheduled for the prehearing conference just for the
17 four days. That's the way the Order was drafted, so the
18 26th through the 29th. If you're going to need additional
19 days, whether it's Friday or sometime next week, and you
20 want an actual room scheduled for you, someone will need to
21 file a motion or at least contact me to discuss that.

22 Anything further? Then I believe that will
23 conclude the on-the-record portion of today's prehearing
24 conference. I'll be in my office if you need me for
25 anything, or if you need the calendar, it's up there by Dale

1 Roberts' office.

2 We're off the record. Thank you.

3 WHEREUPON, the recorded portion of the
4 prehearing conference was concluded.

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