

**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

STAFF'S MOTION

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

1. On April 13, 2006, Staff filed a document entitled: "Joint Motion for Expedited Procedural Schedule and Other Procedural Matters." The text of the document is correct but the title is incorrect. This was an inadvertent error. A corrected version of the same pleading is being filed with this Motion. The correct title is: Staff's Response to MGE's Request for Extension of Filing Deadlines and Request for Expedited Treatment. Staff Counsel apologizes for the error and requests that the document entitled "Joint Motion for Expedited Procedural Schedule and Other Procedural Matters" filed on April 13, 2006 by Staff be removed from EFIS. The documents filed by Staff were solely Staff's pleadings and are not joined in by any other Parties at the time of filing. The Commission subsequently overruled MGE's request. This pleading is filed solely to remove an incorrectly titled document.

WHEREFORE, the Staff respectfully requests that the Commission accept Staff's corrected pleading, and remove the incorrectly titled document from EFIS.

Respectfully submitted,

/s/ Robert V. Franson

Robert V. Franson

Senior Counsel

Missouri Bar No. 34643

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-6651 (Telephone)

(573) 751-9285 (Fax)

email: robert.franson@psc.mo.gov

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 13th day of April 2006.

/s/ Robert V. Franson

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**STAFF'S RESPONSE TO MGE'S REQUEST FOR EXTENSION OF FILING
DEADLINES AND REQUEST FOR EXPEDITED TREATMENT**

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

1. On January 10, 2006, Trigen filed its Application seeking to expand its certificated service area for the provision of regulated steam heating service in downtown Kansas City, Jackson County, Missouri. Truman Medical Center (TMC), Kansas City Power & Light (KCPL) and Missouri Gas Energy (MGE) have intervened.

2. Staff, on behalf of all of the Parties to the case that were at the Prehearing Conference on March 9, 2006, filed a Proposed Procedural Schedule on March 10, 2005.

3. On March 13, 2006, the Commission adopted the Proposed Procedural Schedule.

4. On March 16, 2006, Trigen filed its Direct Testimony pursuant to the Procedural Schedule.

5. Pursuant to the Commission-ordered Procedural Schedule, Staff is prepared to and will be filing its Rebuttal Testimony on April 13, 2006 as ordered.

6. On April 12, 2006, MGE filed a Request for Extension of Filing Deadlines and Request for Expedited Treatment. MGE states that its changed its mind about hiring an outside

consultant since many of the Trigen and TMC data request (DR) responses were labeled Highly Confidential. MGE does not state exactly when it decided to hire Mr. Cummings nor does it state the general subject matter of his expected testimony. MGE filed Mr. Cummings' Non-Disclosure Statement on April 10, 2006.

7. While it can be credibly argued that there is justification for Trigen's and TMC's opposition to MGE's Request, filed by Trigen and TMC on April 12, 2006, Staff is also cognizant of MGE's desire to file rebuttal testimony and the need to provide the Commissioners the necessary record for the Commissioners' determination of the contested issues. Staff suggests that if the Commission decides to grant MGE's Request that it consider paragraphs 6 and 7 of Trigen's Response in Opposition to MGE's Request for Extension of Filing Deadlines. These paragraphs deal with prejudice to all of the other Parties who might want to file surrebuttal. Staff shares the specific concerns raised in the following excerpts from those paragraphs:

6. In its Request, MGE seeks to extend the date for filing rebuttal testimony for MGE only. While Trigen appreciates the fact that MGE has not proposed to alter the hearing dates for this matter, MGE's Request is still prejudicial to Trigen and any other party filing surrebuttal testimony (presumably Staff, and possibly TMC) because it reduces by almost half (from fifteen days to eight days) the time between this rebuttal and surrebuttal testimony. This eight day period requested by MGE is not enough time for Trigen (and any other party filing surrebuttal testimony) to conduct meaningful discovery concerning MGE's rebuttal testimony filing and prepare and file meaningful, responsive surrebuttal testimony (even with ...a five-day turnaround for data requests regarding MGE's testimony)...MGE's Request would allow merely eight days to conduct discovery and file surrebuttal testimony to MGE's rebuttal.

7. MGE's Request would also reduce the time between the filing of surrebuttal testimony and the filing of prehearing briefs from thirteen days to seven days, and the time between filing the list of issues and prehearing briefs from seven days to four days. As the Applicant in this case, this reduction of time for preparing and filing a prehearing brief would be particularly prejudicial...

8. Staff offers another option that would partially address the concerns raised by Trigen that Staff shares. Staff is especially concerned about the shortened time for filing surrebuttal testimony under MGE's proposal from fifteen to eight days. This is insufficient even with a five day DR answer time. Staff is always concerned that a too shortened period for responding to DRs results in responses that are significantly less thoughtful, significantly less complete and significantly less responsive. DRs must still be written after MGE's rebuttal testimony is filed, the DRs must be answered by MGE and then MGE's responses must be evaluated by the other Parties for use in any surrebuttal testimony. A total of a mere eight days for surrebuttal testimony is woefully inadequate. Staff also shares Trigen's concerns about cutting the time between the filing of surrebuttal testimony and the filing of prehearing briefs from thirteen days to seven days. Also prejudicial is the cutting of time between filing the list of issues and prehearing briefs from seven days to four days. The List of Issues is crucial for the structure and content of a Party's Prehearing Brief.

9. Staff suggests the following alternative schedule designed to address, as best as possible, all of these concerns including MGE's filing of the rebuttal testimony of its recently hired consultant:

Rebuttal Testimony

April 21, 2006 (MGE extension of eight days) (All supporting documentation and workpapers provided to the parties the day of this filing)

Surrebuttal Testimony

May 4, 2006 (Thirteen days response time reduced from 15 days with a mandatory four day turnaround on all DRs submitted to MGE. This should allow DR responses to be received by April 28, 2006).

**List of issues, order of witnesses,
order of cross-examination**

May 5, 2006 (change of one day)

Prehearing Brief

May 12, 2006 (change of 1 day)

Hearing

May 15-17, 2006

Closing Arguments in lieu of post-hearing brief at conclusion of above hearing

WHEREFORE, the Staff respectfully requests that the Commission, if the Commission decides to grant MGE's Motion, issue an Order adopting Staff's alternative proposal regarding a remaining procedural schedule. Staff submits that no other option to change the Procedural Schedule presently before the Commission balances the needs of all Parties.

Respectfully submitted,

/s/ Robert V. Franson

Robert V. Franson
Senior Counsel
Missouri Bar No. 34643

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-6651 (Telephone)
(573) 751-9285 (Fax)
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