

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

In the Matter of the Application of Aquila, Inc.     )	
d/b/a Aquila Networks – MPS and Aquila     )	
Networks – L&P for Authority to Transfer     )	Case No. EO-2008-0046
Operational Control of Certain Transmission     )	
Assets to Midwest Independent Transmission     )	
System Operator, Inc.     )	

**LIST OF ISSUES, AND ORDER OF  
OPENING STATEMENTS, WITNESSES AND CROSS-EXAMINATION**

**COMES NOW** the Staff of the Missouri Public Service Commission and states:

1.     On October 30, 2007, the Public Service Commission issued an order in which it adopted a procedural schedule for this case and imposed certain conditions. Among those conditions were the following: “The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.” In that order adopting a procedural schedule the Commission directed the parties to file a “Joint Stipulation of Facts, List of Issues, Order of Witnesses and Order of Cross-Examination by February 8, 2008; however, by order dated January 14, 2008 the Commission suspended that procedural schedule.
  
2.     The Parties to this proceeding are: Aquila, Inc.; Midwest Independent Transmission System Operator, Inc. (MISO); City of Independence, Missouri; Staff of the Public Service Commission; Public Counsel; Dogwood Energy, LLC; Southwest Power Pool, Inc. (SPP); Kansas City Power & Light Company; and Union Electric Company.

3. By order dated January 23, 2008 the Commission modified the October 30, 2007 procedural schedule. Among other changes the Commission modified the date by which the Joint Stipulation of Facts, List of Issues, Order of Witnesses and Order of Cross-Examination were to be filed with the Commission from February 8, 2008 to March 7, 2008.

4. The Joint Stipulation of Facts is in a separate filing; the List of Issues, and Order of Opening Statements, Witnesses and Cross-Examination follow.

5. Because they are not able to agree on statements of the issues that comply with Commission Rule 4 CSR 240-2.080(21), for purposes of the list of issues, on behalf of the parties, the Staff requests the Commission allow them to vary from the requirements of that rule.

6. The listing of issues below is not an agreement by any party that any particular listed issue is, in fact, a valid or relevant issue. In their position statements, some parties may state that they consider a particular listed issue to not be a valid issue. This “non-binding” listing of issues is not to be construed to impair any party from arguing about any of these issues or related matters, or to restrict the scope of responses to the arguments of other parties.

7. Following is the list of issues the Staff has assembled for this case. The Staff believes the list includes all contested issues and properly identifies them.

### **LIST OF ISSUES**

1. Is “not detrimental to the public interest” the appropriate standard for the Commission to use in making its determinations in this case?
2. Should the Commission determine that Aquila’s application to join MISO is not detrimental to the public interest? What considerations should the Commission take into account in making its determination?
3. If the Commission approves Aquila’s application to join MISO, should the Commission make its approval subject to certain conditions? If so, what are the conditions?

4. In making its determination whether to grant Aquila's application to join MISO, should the Commission compare Aquila's membership in MISO to other alternatives? If so, what are the alternatives and what do the comparisons of the alternatives show?
5. To what extent should the Commission take into account the following in its determination of whether or not to approve Aquila's application to join MISO?
  - a. The CRA International, Inc. cost-benefit study sponsored by Aquila;
  - b. Cost-benefit analyses sponsored by parties other than Aquila
  - c. Costs and/or benefits not included in the CRA International cost-benefit study sponsored by Aquila or cost-benefit analyses sponsored by parties other than Aquila;
  - d. Aquila's current relationships with MISO and SPP;
  - e. Differences in the development of electricity markets between MISO and SPP;
  - f. The proposed acquisition of Aquila by Great Plains Energy that is the subject of Case No. EM-2007-0374;
  - g. Union Electric Company's continuing membership in MISO;
  - h. Aquila's obligation to MISO made in FERC Docket No. ER02-871 to file and support Aquila's application to join MISO;
6. If the Commission authorizes Aquila to join MISO, should the Commission determine now whether all future FERC-approved administrative fees Aquila is assessed by MISO and all future costs Aquila incurs from MISO in making prudent purchases of capacity and/or energy to serve its bundled retail load should be considered to be prudently incurred expenses for purposes of including them in Aquila's cost of service in Aquila's next general electric rate case before this Commission?

### **ORDER OF OPENING STATEMENTS, WITNESSES AND CROSS-EXAMINATION**

1. The evidentiary hearings in this case are set for April 14-16, 2008. Following is the hearing schedule the parties' propose:

## **ORDER OF OPENING STATEMENTS AND WITNESSES**

**Monday-Wednesday, April 14-16, 2008 commencing 8:30 a.m. each day**

**Make Entries of Appearance  
Take Up Outstanding Matters**

### **Opening Statements**

Aquila  
MISO  
City of Independence  
Staff  
Public Counsel  
Dogwood Energy  
SPP  
KCPL  
UE

### **Witnesses**

#### **Aquila, Inc.**

- (1) Dennis Odell
- (2) Ralph L. Luciani

#### **Midwest Independent Transmission System Operator, Inc.**

- (3) Richard Doying (unavailable after noon Tuesday, April 15, 2008)

#### **Southwest Power Pool, Inc.**

- (4) Carl A. Monroe (unavailable after noon Tuesday, April 15, 2008)

#### **Midwest Independent Transmission System Operator, Inc.**

- (5) Johannes P. Pfeifenberger

#### **City of Independence, Missouri**

- (6) Paul N. Mahlberg
- (7) Mark J. Volpe

#### **Staff of the Public Service Commission**

- (8) Michael S. Proctor

#### **Public Counsel**

- (9) Ryan Kind

#### **Dogwood Energy, LLC**

- (10) Robert Janssen
- (11) Jonathan A. Lesser

## **ORDER OF CROSS-EXAMINATION**

While for specific witnesses a different order of cross-examination may be more appropriate, generally, the order of cross-examination, based on adversity, is the following:

### **Aquila witnesses**

MISO, City of Independence, UE, KCPL SPP, Dogwood Energy, Public Counsel, Commission Staff

### **MISO witnesses**

Aquila, City of Independence, UE, KCPL, SPP, Dogwood Energy, Public Counsel, Commission Staff

### **City of Independence witnesses**

Aquila, MISO, UE, KCPL, SPP, Dogwood Energy, Public Counsel, Commission Staff

### **Commission Staff witness**

Public Counsel, Dogwood Energy, SPP, KCPL, UE, City of Independence, MISO, Aquila

### **Public Counsel witness**

Commission Staff, Dogwood Energy, SPP, KCPL, UE, City of Independence, MISO, Aquila

### **Dogwood Energy, LLC witnesses**

Commission Staff, Public Counsel, SPP, KCPL, UE, City of Independence, MISO, Aquila

**WHEREFORE**, as ordered by the Commission in its October 30, 2007 Order Adopting Procedural Schedule as modified by its January 23, 2008 Order Modifying Procedural Schedule, the Staff files this jointly proposed List of Issues, and Order of Opening Statements, Witnesses and Cross-Examination on behalf of itself and the other parties to this case.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams  
Deputy General Counsel  
Missouri Bar No. 35512

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7<sup>th</sup> day of March, 2008.

/s/ Nathan Williams