

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

In the Matter of the Tariffs of Aquila, Inc.,)
d/b/a Aquila Networks - MPS and Aquila)
Networks - L&P, Increasing Electric Rates)
for the Services Provided to Customers in)
the Aquila Networks - MPS and Aquila)
Networks - L&P Service Areas.)

Case No. ER-2007-0004

**MOTION FOR EXPEDITED TREATMENT AND FOR APPROVAL OF TARIFF
SHEETS FILED IN COMPLIANCE WITH COMMISSION ORDER**

Aquila, Inc. ("Aquila" or "Company"), by and through its counsel and pursuant to 4 CSR 240-2.080(16), hereby moves the Missouri Public Service Commission ("Commission") for approval and for expedited treatment of tariff sheets filed in compliance with the Commission's June 14, 2007, *Order Rejecting Tariff, Granting Clarification, Directing Filing and Correcting Order Nunc Pro Tunc*. In support of its motion, Aquila respectfully states as follows:

1. On June 14, 2007, the Commission issued its *Order Rejecting Tariff, Granting Clarification, Directing Filing and Correcting Order Nunc Pro Tunc*, which, *inter alia*: a) rejected tariff sheets 124-127, which were filed by Aquila on May 25, 2007, and which relate to the fuel adjustment clause authorized in this case, and b) directed the Company to re-file those tariff sheets in compliance with the *Report and Order*, as clarified.

2. On this date, Aquila has caused to be filed with the Commission revised tariff sheets 124-127 that comply with the Commission's June 14th order and with the *Report and Order*, as clarified. Those revised tariff sheets bear an issue date of June 18, 2007, and an effective date thirty days thereafter.

3. Although Section 393.140(11), RSMo, generally requires that no change be made to any rate filed by an electrical corporation except after thirty-days' notice to the Commission and publication for thirty days, the Commission may, for good cause, allow changes without thirty-days' notice. Aquila does not believe that thirty-days' notice is necessary or appropriate under the circumstances, and therefore believes good cause exists for the Commission to allow revised tariff sheets 124-127 to go into effect in less than thirty days.

4. Aquila initiated this rate case on July 3, 2006, by the filing of tariff sheets that bore a proposed effective date of August 2, 2006. The Commission and the public have had ample time to consider and make their views known regarding all aspects of Aquila's request to increase rates – including the Company's request to implement a fuel adjustment clause – through the rate case hearing process. The purpose of the thirty-day notice period provided by the statute therefore has been fulfilled.

5. The Commission and the public also have had ample time to consider the tariff sheets related to the fuel adjustment clause that was authorized in the *Report and Order* issued in this case. Aquila filed revised tariff sheets designed to implement the fuel adjustment clause on May 18, 21, 23, and 25, and those revised tariff sheets have been the subject of pleadings by various parties to this case – including the Company, the Commission Staff, and SIEUA/Ag Processing – and also of at least three orders that have been issued by the Commission since the *Report and Order*. Therefore, all parties have had ample opportunity to consider and raise objections to the revised tariff sheets that relate to the fuel adjustment clause, and no party will be denied due process or

otherwise adversely affected if the Commission grants Aquila's request for expedited treatment.

6. Aquila moves the Commission for an order directing that revised tariff sheets 124-127 become effective on or prior to June 30, 2007. Aquila has been working with the Commission Staff to assure these revised tariff sheets comply with the Commission's June 14th order and with the *Report and Order*, as clarified, and Aquila believes that the Commission Staff should be able to file its recommendation regarding the revised tariff sheets within a few days.

7. Aquila requests expedited approval of the revised tariff sheets because the Company believes good cause exists to allow revised tariff sheets 124-127 to go into effect on less than thirty-days' notice. Sufficient good cause exists because: (a) the tariff sheets have been filed in compliance with the Commission's June 14th order and the *Report and Order*, as clarified; (b) the Commission and the public have been aware of Aquila's request for a fuel adjustment clause for almost one year; (c) the Commission, through the rate case process, has been able to consider all aspects of Aquila's request for a fuel adjustment clause and the positions of all parties regarding that request; d) in its June 14th order the Commission expressed its intention to allow these tariff sheets to go into effect without further undue delay; e) this motion was filed as soon as possible after Aquila had an opportunity to review the Commission's June 14th order and prepare tariff sheets in compliance with that order; and f) without these tariff sheets in effect, Aquila will be denied a portion of the rate recovery already approved by the Commission.

8. Aquila is aware that on June 14, 2007, the Circuit Court of Cole County issued a Writ of Review that, *inter alia*, directs the Commission to take “no further action in [this case] save compliance with this Writ of Review.” Because Aquila believes that Writ was improvidently issued, on June 15, 2007, the Company filed a motion to dismiss, which seeks to set aside the Writ and dismiss the Circuit Court proceeding. Aquila’s motion to dismiss is set for hearing before the Circuit Court on June 26, 2007. If the Commission believes it can act on this motion for expedited treatment while the Writ is in effect, then Aquila asks that revised tariff sheets 124-127 be made effective on or prior to June 30, 2007. If, however, the Commission believes that the Writ prohibits it from granting Aquila’s motion for expedited treatment at this time, then the Commission should take no action regarding that motion unless and until the Writ is dismissed or dissolved.

9. When and if the Writ issued by the Circuit Court is dismissed or dissolved, the Company asks the Commission to: a) grant this motion and approve the revised tariff sheets, and b) make them effective on the earliest possible date after the Writ is dismissed or dissolved that allows all parties the opportunity to file applications for reconsideration of the Commission’s order granting this motion. If the revised tariff sheets are not made effective on or before June 30, 2007, Aquila may be denied recovery of more than \$11 million in fuel and purchased power costs in the month of July 2007, alone.

WHEREFORE, for good cause shown, Aquila respectfully requests that the Commission grant this Motion for Expedited Treatment and for Approval of Tariff Sheets

Filed in Compliance with Commission Report and Order and approve revised tariff sheets 124-127 to be effective on or before June 30, 2007.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 18th day of June, 2007, to the following:

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