

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

In the Matter of Aquila, Inc., Heat Rate)	
Testing and Scheduling Proposal Pursuant)	Case No. EO-2008-0156
To its Authorized Rate Adjustment)	
Mechanism)	

NOTICE OF COMPLIANCE AND/OR MOTION TO EXPEDITE APPROVAL

COMES NOW Aquila, Inc., (hereinafter "Aquila" or "Company"), pursuant to Commission rule 4 CSR 240-2.080(16) and for its Notice of Compliance and/or motion that the Commission expedite its approval of the Company's heat rate testing plan and schedule, states the following:

1. On November 9, 2007, Aquila filed a Motion to Establish a Docket for Approval of Heat Rate Schedule and Testing Plan which information was supplemented on November 27, 2007.¹ Thereafter, on December 7, 2007, the Commission issued an Order Directing Filing of Staff Recommendation. Staff filed its recommendation on December 20, 2007, that the Commission issue an order approving Aquila's heat rate testing and scheduling proposal as filed and supplemented. Aquila concurs with Staff's recommendation.

2. No party to Commission Case No. ER-2007-0004 has opposed the Company's proposals. That lack of opposition represents constructive agreement by all parties as contemplated by the language in ¶ Ordered: 5 of the Commission's Report and Order in Case No. ER-2007-0004.

¹ All parties to Case No. ER-2007-0004 were served with each filing. Previously, the proposed procedures were circulated informally by e-mail on November 2, 2007.

3. Aquila anticipates filing tariffs for its initial fuel adjustment clause prior to January 1, 2008, bearing an effective date of March 1, 2008. To meet the requirement that Company's proposed heat rate and/or efficiency schedule and testing plan with written procedures be agreed to by all parties to Case No. ER-2007-0004 or approved by the Commission no less than sixty (60) days before the effective date listed on tariff, it will be necessary that the Commission issue an order adopting Staff's recommendation and approving the Company's heat rate testing plan and testing schedule by no later than December 31, 2007, in the event the Commission determines there has not been constructive agreement to the Company's proposal.

4. Action on the part of the Commission is necessary to facilitate the fuel cost recovery mechanism authorized by the Commission in Case No. ER-2007-0004. This pleading was filed as soon as possible after the filing of Staff's recommendation.

WHEREFORE, Aquila requests an order of the Commission by no later than December 31, 2007, (1) finding that Aquila has secured constructive agreement by all parties for the procedures proposed by the Company or (2) approving the Company's proposed heat rate and/or efficiency schedule and testing plan as filed and supplemented, all in accordance with the Staff's recommendation of December 20, 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 21st day of December, 2007, to the following:

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