

**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) Case No. ER-2007-0004
the Services Provided to Customers in the)
Aquila Networks - MPS and Aquila Networks)
- L&P Service Areas)

**OBJECTION OF AQUILA, INC., TO APPLICATION OF THE
COMMERCIAL GROUP FOR LEAVE TO INTERVENE OUT OF TIME**

COMES NOW Aquila, Inc., ("Aquila") and for its objection to the Application for Leave to Intervene Out of Time filed by The Commercial Group, states as follows:

1. On August 21, 2006, The Commercial Group filed an Application for Leave to Intervene Out of Time (the "Application"). The Commission should deny the Application.

2. By virtue of an Order dated July 5, 2006, the Commission established an intervention deadline in this case of July 25, 2006. A number of parties timely filed applications to intervene which subsequently were granted by the Commission. Aquila did not object to applications to intervene filed within the time permitted by the Commission.

3. The Commercial Group concedes that it was on notice that Aquila had filed this action, yet it failed to file its motion to intervene by the July 25 deadline established by the Commission. The Commercial Group also fails to provide justification for its failure to meet the intervention deadline and, consequently, fails to provide good cause for its participation at this late date.

4. The Application of The Commercial Group merely states that the delay was caused by a need to review Aquila's filing and to assess the business interests of the members of the group but, presumably, this is the same process undertaken by each of the parties who intervened on a timely basis. As such, it provides no special

circumstances or excuse for filing nearly a month after the intervention deadline. The claimed need of The Commercial Group to sort out the terms of representation with their consultants/attorneys also provides no legitimate excuse for filing its motion to intervene out of time. All other parties to this case have confronted the very same issues and yet were able to timely file their applications to intervene.

5. Moreover, the Commercial Group states that its interest cannot be adequately represented by any existing participant in the case, but this is not so. AG Processing and the Sedalia Energy Industrial Users Association (SEIUA), parties who timely intervened, are large commercial and industrial customers and have interests similar to those claimed by the members of The Commercial Group. Participation by The Commercial Group would be redundant and thus would not contribute to regulatory economy. Additionally, the Commission's Staff has the responsibility for making recommendations to the Commission concerning appropriate rate design for Aquila's various customer classes. Finally, any number of current parties to the case have an interest in examining Aquila's revenue requirement.

6. Accordingly, intervention deadlines should have some real meaning and effect. Otherwise, no incentive exists for parties claiming to have an interest in proceedings before the Commission to comply with the Commission's procedural rules, which undermines the process. The Commercial Group has provided no good cause to grant their late filed request to intervene nor has it satisfied its burden to establish that its interests are not being represented to justify intervention in this case.

WHEREFORE, Aquila requests that the Commission deny The Commercial Group's Application and for such other orders and relief which may be appropriate in the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By:

/s/ Paul A. Boudreau
Paul A. Boudreau #33155
BRYDON, SWEARENGEN & ENGLAND
312 East Capitol Avenue
P. O. Box 456
Jefferson City, Missouri 65102-0456
Phone: (573) 635-7166
Fax: (573) 635-0427
Emails: paulb@brydonlaw.com

Renee Parsons #48935
Aquila, Inc.
20 West Ninth Street
Kansas City, MO 64105
Phone: (816) 467-3297
Fax: (816) 467-9297
Emails: renee.parsons@aquila.com

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 25th day of August, 2006, to the following:

General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360

Office of the Public Counsel
Governor Office Building
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230

Mary Ann Young
William D. Steinmeier
P.O. Box 104595
2031 Tower Drive
Jefferson City, MO 65102
myoung0654@aol.com
wds@wdspc.com
For the City of St. Joseph, MO

Stuart W. Conrad
3100 Broadway, Suite 1209
Kansas City, MO 64111
Stucon@fcplaw.com
For SIEUA and AG Processing, Inc.

Thomas M. Byrne
AmerenUE
1901 Chouteau Avenue
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166-6149
tbyrne@ameren.com
For AmerenUE

John Coffman
871 Tuxedo Blvd
St. Louis, MO 63119
john@johncoffman.net
For AARP

Mark W. Comley
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
comley@ncrpc.com
For the City of Kansas City, MO

Capt. Frank Hollifield
AFCEA/ULT
139 Barnes Drive, Ste. 1
Tyndall Air Force Base, FL 32406
frank.hollifield@tyndall.af.mil
For Federal Executive Agencies

Shelley Woods
Missouri Department of Natural Resources
P.O. Box 899
Jefferson City, MO 65102-0899
Shelley.woods.ago.mo.gov
For Missouri Department of Natural
Resources

Major Sloan M. P. Pye
101 West Market, Ste. 301
Warrensburg, MO 64093
For Federal Executive Agencies

Rick D. Chamberlain
Behrens, Taylor, Wheeler & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105-1401
Telephone: (405) 848-1014
Facsimile: (405) 848-3155
E-mail: rdc_law@swbell.net

Koriambanya S. Carew
Baker Sterchi Cowden & Rice, LLC
2400 Pershing Road, Suite 500
Kansas City, MO 64108
Telephone: (816) 471-2121
Fax: (816) 472-0288

/s/ Paul A. Boudreau
Paul A. Boudreau