

**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)	Case No. EO-2008-0046
Transfer Operational Control of)	
Certain Transmission Assets)	
to the Midwest Independent)	
Transmission System Operator, Inc.)	

**MIDWEST ISO'S
MOTION FOR LEAVE TO FILE
SUPPLEMENTAL REBUTTAL TESTIMONY**

Comes now Midwest Independent Transmission System Operator, Inc. (“Midwest ISO”) by and through its attorneys and pursuant to 4 CSR 240-2.130(8) moves for leave to file supplemental rebuttal testimony. In support, Midwest ISO submits the following:

1. On November 30, 2007, Midwest ISO submitted for filing the written rebuttal testimony of Johannes P. Pfeifenberger. On page 20, lines 18 to 23 of his testimony, Mr. Pfeifenberger explained that in connection with his testimony additional model simulations were being performed the results of which were not available at the time rebuttal was due. He stated:

In order to meet the filing deadline for this testimony, I was only able, with the assistance of CRA [International], to have the “No Aries” additional simulations completed. Although I am confident in the conclusions presented in this testimony, it is possible that additional simulations that correct the Aries commitment and dispatch distortions (which could not be completed by this filing deadline) may bring to light important issues that are not presently addressed. Therefore, I may need to supplement my testimony.

2. Since the filing of Mr. Pfeifenberger’s rebuttal testimony, CRA has performed additional simulations, the results of which, and Mr. Pfeifenberger’s conclusions about, are discussed in his supplemental rebuttal which is filed under cover of this motion.

3. Additionally, Mr. Piefenberger uses his supplemental rebuttal to correct a statement in his rebuttal. He received information from CRA after the filing of his rebuttal which prompts this correction.

4. Commission Rule 4 CSR 240.130(8) provides:

8) No party shall be permitted to supplement prefiled prepared direct, rebuttal or surrebuttal testimony unless ordered by the presiding officer or the commission. A party shall not be precluded from having a reasonable opportunity to address matters not previously disclosed which arise at the hearing. This provision does not forbid the filing of supplemental direct testimony for the purpose of replacing projected financial information with actual results.

5. Surrebuttal testimony is not due to be filed in this matter until January 18, 2008, twenty one days from the date of this motion. The parties are still engaged in active discovery, and responses for many outstanding data requests will be due in the first week of January, 2008. Inasmuch as the parties were advised that supplemental rebuttal from Mr. Pfeifenberger was a possibility and it appears that there is adequate time for parties to prepare testimony in response, Midwest ISO submits that no party will be prejudiced by a grant of leave to file Mr. Pfeifenberger's supplemental rebuttal testimony.

WHEREFORE, Midwest ISO respectfully requests the Commission grant it leave to file the supplemental rebuttal testimony of Mr. Johannes P. Pfeifenberger.

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 sent via e-mail on this 28th day of December, 2007 to:

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