

Gary Clemens
Aquila, Inc.
20th W. 9th Street
Kansas City, Missouri 64105-1711
Telephone: (816) 467-3807
E-mail: Gary.clemens@aquila.com

Renee Parsons
Aquila, Inc.
20th W. 9th Street
Kansas City, Missouri 64105-1711
Telephone: (816) 467-3297
E-mail: Renee.parsons@aquila.com

Paul A. Boudreau
Brydon, Swearngen & England, P.C.
312 E. Capitol Ave.
Jefferson City, Missouri 65102
Telephone: (573) 635-7166
E-mail: Paulb@brydonlaw.com

L. Russell Mitten
Brydon, Swearngen & England, P.C.
312 E. Capitol Ave.
Jefferson City, MO 65102
Telephone: (573) 635-7166
Email: rmitten@brydonlaw.com

3. In Commission Case No. ER-2007-0004,¹ the Commission authorized Aquila to file new tariff sheets and revised rate schedules for service to be rendered in its MPS and L&P service areas. The Commission also authorized Aquila to implement a rate adjustment mechanism as contemplated by § 386.266, RSMo (Supp. 2006).

4. In its May 17, 2007 Report and Order in Case No. ER-2007-0004 (the “Order”), the Commission specifically directed that Aquila complete a heat rate and/or efficiency schedule and testing plan with written procedures that is either agreed to by all parties or has been approved by the Commission no less than sixty (60) days before the effective date stated on its initial Fuel Adjustment Clause Tariff filing. See, ¶
Ordered: 5.

¹ *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.*

5. By virtue of this filing, Aquila requests that the Commission establish a docket as may be necessary to consider and approve the heat rate testing procedures and schedules described below all pursuant to its authority under § 386.250, RSMo 2000, which provides, in pertinent part, that the Commission has jurisdiction, supervision, power and duties that shall extend “[t]o the manufacturer, sale or distribution of. . .electricity for light, heat and power within the state and to persons or corporations owning, leasing, operating or controlling the same” and “[t]o such other and further extent, and to all such other and additional matters and things, and in such further respects as may herein appear, either expressly or impliedly.” Further, § 393.140.3, RSMo 2000 which provides, in pertinent part, that:

. . . [F]or the purpose of determining whether the efficiency of the electric supply system. . .conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering and supplying. . .electricity. . .

Also, this motion relates to the Commission’s rulemaking authority under § 386.266.9, RSMo (Supp. 2006) and, specifically, 4 CSR 240-3.161(2)(P).

6. Attached hereto for the Commission’s consideration and approval are heat rate testing procedures and a testing schedule and associated practice manuals for Sibley units 1-3, Greenwood units 1-4, Ralph Green No. 3, Nevada, KCI units 1-2, South Harper units 1-3, Lake Road units 1-7, Jeffery units 1-3 and Iatan unit 1. Much of this information was provided to all parties of record in Case No. ER-2007-0004 on Friday, November 2, 2007,² and although no party has stated it opposes the Company’s

² Some of the materials filed with this motion have been updated in response to comments received from the Commission’s Staff.

proposal, Aquila cannot represent that it has secured an agreement at this time. Aquila remains hopeful there can be general agreement, nevertheless, the Company hereby formally submits this matter to the Commission for its approval in the event an agreement cannot be reached.³ In either event, Aquila requests that the Commission take appropriate action consistent with its directive in the Order. Aquila will advise the Commission in the event all parties agree to the procedures, schedules and manuals that are being proposed and that are attached hereto.

WHEREFORE, Aquila requests that the Commission approve the Company's proposed heat rate and/or efficiency schedule and testing plan either pursuant to an agreement of the parties or by affirmative approval by the Commission and for such other orders and relief as are appropriate in the circumstances.

Respectfully submitted,

BRYDON SWEARENGEN & ENGLAND, P.C.

By: /s/ Paul A. Boudreau
Paul A. Boudreau #33155
L. Russell Mitten #27881
BRYDON, SWEARENGEN & ENGLAND
312 East Capitol Avenue
P. O. Box 456
Jefferson City, Missouri 65102-0456
Phone: (573) 635-7166
Fax: (573) 635-0427

³ At page 29 of the Order, the Commission stated that "in the event any party to ER-2007-0004 opposes the written heat rate and/or efficiency testing procedures ultimately proposed by Aquila, Aquila may file a motion with the Commission seeking approval of those procedures."

Renee Parsons Mo. Bar # 48935
Senior Attorney
Aquila, Inc.
20 West 9th Street
Kansas City, MO 64105
Telephone: (816) 467-3297
Facsimile: (816) 467-9297
Renee.parsons@aquila.com
Attorneys for Aquila, Inc.

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 9th day of November, 2007, to the following:

Nathan Williams
Deputy General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360
Nathan.williams@psc.mo.gov

Lewis Mills, Jr.
Office of the Public Counsel
Governor Office Building
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230
lewis.mills@ded.mo.gov

Mary Ann Young
William D. Steinmeier
P.O. Box 104595
2031 Tower Drive
Jefferson City, MO 65012
Myoung0654@aol.com
wds@wdspsc.com
For the City of St. Joseph, MO

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

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

Thomas M. Byrne
AmerenUE
1901 Chouteau Avenue
P.O. Box 66149 (MC1310)
St. Louis, MO 63166-6149
tbyrne@ameren.com
For AmerenUE

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

James B. Lowery
David M. Kurtz
Smith Lewis, LLP
111 South Ninth St., Ste. 200
P.O. Box 918
Columbia, MO 65202-0918
lowery@smithlewis.com
Kurtz@smithlewis.com
For AmerenUE

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

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

Shelley A. Woods
P.O. Box 899
Jefferson City, MO 65012-0899
Shelley.woods@ago.mo.gov
For Missouri Department of Natural
Resources

/s/ Paul A. Boudreau
Paul A. Boudreau