

**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 Service Provided to Customers in)
the Aquila Networks MPS and Aquila)
Networks-L&P Service Areas.)

Case No. ER-2007-0004

MOTION TO STAY EFFECTIVENESS OF TARIFF

COME NOW, AG Processing, Inc. (“AGP”) and Sedalia Industrial Energy Users’ Association (“SIEUA”), pursuant to Section 386.500 RSMo., and for their Motion to Stay Effectiveness of Tariff respectfully state as follow:

1. On June 29, 2007, the Commission issued its Order Granting Expedited Treatment and Approving Tariff Sheets. That Order purports to approve fuel adjustment tariffs to be effective on and after July 5, 2007. As reflected in AGP / SIEUA’s May 23, May 30, and July 3, 2007 Application for Rehearing, which is incorporated herein by reference as though fully set forth, that Order contains numerous errors and procedural and due process defects in connection with its issuance.

2. Section 386.500.3 RSMo. provides the Commission with authority to stay its decision pending rehearing of the Report and Order. Given the numerous instances of reversible error in its Order, the Commission’s duty to protect the public necessitates that the Commission stay its decision to allow it the opportunity to correct these errors. As the Commission noted in its Report and Order, “the dominant thought and purpose of the

policy is the protection of the public. . . [and] the protection given the utility is merely incidental.”¹

3. AGP and SIEUA anticipate that Aquila will argue that any stay will harm its shareholders and deny it the rate increase that it “deserves” and to which it is “entitled.” However, these parties and the public will be forced to pay rates that are unlawful, have not, based on the commission’s contentions, been approved pursuant to a final and appealable order of the commission, and may have no recourse in so paying save self-help. On balance, the equities in such circumstance are with the customers who turn to the Commission to protect them from a monopoly service provider.

WHEREFORE, for the reasons contained in this pleading and its Application for Rehearing, AGP / SIEUA respectfully request that the Commission issue its Order staying the effectiveness of the Order Granting Expedited Treatment and Approving Tariff Sheets.

¹ *State ex rel. Crown Coach Co. v. Public Service Commission*, 179 S.W.2d 123, 126 (1944).

Respectfully submitted,



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ATTORNEYS FOR AG PROCESSING,
INC. and SEDALIA INDUSTRIAL
ENERGY USERS' ASSOCIATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



David L. Woodsmall

Dated: July 3, 2007