

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

In the matter of Aquila, Inc. d/b/a)	
Aquila Networks-MPS and Aquila)	
Networks-L&P, for authority to file)	
tariffs increasing electric rates)	ER-2005-0436
for the service provided to custom-)	
ers in the Aquila Networks-MPS and)	
Aquila Networks-L&P area)	

**MOTION FOR EXPEDITED CONSIDERATION
AND
MOTION TO SHORTEN RESPONSE TIME**

On November 8, 2005 Sedalia Industrial Energy Users' Association (SIEUA), Ag Processing (AGP) and the Federal Executive Agencies (FEA) filed a Motion to Strike Staff and OPC Class Cost of Service studies in ER-2005-0436, the thrust of which was to strike identified portions of the cost of service direct testimony of James Watkins, James Busch and Barb Meisenheimer. This class cost of service testimony from Staff and OPC was, at one level, surprising, coming "hot on the heels" of the pending EO-2002-384 Class Cost of Service case and the Commission's August 23, 2005 Order Regarding Consolidation and Procedural Schedule, jointly issued in this case and in EO-2002-384.

As detailed in our Motion, the August 23 Order resolved that Class Cost of Service issues were to be resolved in case No. EO-2002-384. Moreover, to avoid concerns about relitigating these complicated issues, the Commission made all parties to this case parties to EO-2002-384 where they would have the opportunity to litigate or address their concerns and be bound by the result

of that case. Insofar as we are aware, all parties seeking to litigate those issues participated in the hearing of that case which concluded on November 8, 2005.

Rebuttal testimony in **this** case is due November 18, 2005, some two weeks following filing of direct testimony and only 10 days after conclusion of the hearing on EO-2002-384. If matters that were addressed in EO-2002-384 are to be relitigated in this case, there is simply insufficient time for these parties to analyze Staff and OPC's Class Cost of Service materials and respond to them. Nor, should we, as discussed in our Motion, be required to do so, for both Staff and OPC have simply chosen to ignore the Commission's August 23, 2005 decision and now, apparently, want a second bite of the apple -- even before it has fallen from the EO-2002-384 tree.

The Commission's August 23, 2005 Order seem to us to be clear. Either it is to be ignored and the entire set of class cost of service issues relitigated (in which case additional time will be required for us to prepare an appropriate response), or the Commission's August 23, 2005 Order is to be respected and the Motion to Strike sustained. In either event, our Motion is not factually challenging and the legal concept not difficult. Responses can be quick and permit us to know whether we may avoid relitigating the cost of service issues or will need to engage in that contentious and complicated process yet again -- even before the transcript in EO-2002-384 has been prepared.

For these reasons expedited consideration should be granted on our Motion. In addition we request that the response time to that Motion be shortened from the usual 10 to 5 days, so that responses will be due on November 14, 2005. This will permit us quickly to respond if needed, and the Commission can address the matter or delegate the matter to its Regulatory Law Judge so that we will be able to know whether we need to seek additional time and other accelerated measures to prepare responsive testimony.

WHEREFORE SIEUA, AGP and FEA respectfully request expedited action by the Commission shortening the time for parties to respond to our Motion to Strike filed on November 8 and to grant expedited consideration of that Motion.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEY FOR FEDERAL EXECUTIVE
AGENCIES

November 9, 2005

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.



Stuart W. Conrad

Dated: November 9, 2005