

BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION

Joint Application of)	
)	
Trigen-Kansas City Energy Corp.)	
)	
and)	Case No. HM-2004-0618
)	
Thermal North America, Inc.)	
)	
For Grant of the Authority Necessary)	
for the Transfer of Control, Sale of)	
All Stock Currently Owned by)	
Trigen Energy Corporation, Inc. to)	
Thermal North America, Inc.)	

JOINT MOTION TO ESTABLISH PROCEDURAL SCHEDULE

COME NOW the Joint Applicants, the Office of the Public Counsel and the Staff of the Missouri Public Service Commission and for their Joint Motion to Establish Procedural Schedule state:

On August 3, 2004, the Commission issued its *Order Setting Prehearing Conference*. The Commission's *Order* directed the parties to appear at a prehearing conference on August 16, 2004. At the prehearing conference the presiding officer ordered the parties to file a progress report – possibly including a proposed procedural schedule by August 23, 2004. During and after the August 16, 2004 prehearing conference, the parties discussed a number of potential issues and agreed upon the following procedural schedule:

Direct Testimony (Joint Applicants)	September 1, 2004
Response time for data requests reduced from twenty (20) to ten (10) days	September 1, 2004

Staff Recommendation (filed only in the event that the Staff does not file testimony)	October 1, 2004
Technical Conference	October 6, 2004
Rebuttal Testimony (Staff & Public Counsel)	October 15, 2004*
Surrebuttal Testimony (Joint Applicants)	November 15, 2004*
Issues List, Order of Witnesses, and Order of Cross-Examination (All parties)	November 22, 2004*
Position Statements (All parties)	November 22, 2004*
Evidentiary Hearing	December 1-3, 2004*

* Because the Purchase and Sale Agreement requires the transaction to be consummated by December 31, 2004, Joint Applicants note that each of these dates could lead to a timetable in which final approval would not be reached until sometime in 2005, when the transaction under its terms would no longer be valid.

The parties agree to respond to data requests as soon as possible--no longer than the twenty days allotted by Commission Rule for requests made on or before September 1, 2004 and no longer than ten days for requests made after September 1, 2004.

Further, the parties acknowledge that the attorneys for the Staff in this case are also assigned to participate in the pending Empire rate case, Case No. ER-2004-0570, and, as a result, should the Empire rate case be heard by the Commission as a contested matter, the Staff may request a longer period for briefing in this case than it otherwise would.

WHEREFORE, the parties jointly propose the above procedural schedule.

Respectfully submitted on behalf of the parties,

LATHROP & GAGE, L.C.

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and Thermal North America, Inc.*

Dated: August 24, 2004

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the foregoing pleading was sent via U.S. Mail or electronic transmittal on this 24th day of August, 2004, to:

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