

The Office of the Public Counsel,
Complainant,
v.
Aquila, Inc., d/b/a Aquila Networks – MPS
and Aquila Networks – L&P
Respondent.

PUBLIC COUNSEL'S RESPONSE TO STAFF'S INITIAL RESPONSE TO COMPLAINT

Comes Now the Office of the Public Counsel and for its Response to Staff's Initial Response to Complaint and Motion for Expedited Treatment states as follows:

1. Staff requests that the Commission order a prehearing in this matter to be held on November 1, 2005. Public Counsel does not object to this request.
2. In the prayer for relief of the Complaint, Public Counsel requested that the Commission “direct its general counsel to seek criminal penalties pursuant to Section 286.580 [sic].”¹ In its Response, Staff points out that the Commission’s General Counsel does not have authority to conduct a criminal prosecution. Public Counsel agrees. Public Counsel did not mean to suggest that the Commission’s General Counsel would literally commence a criminal action and act as a prosecutor. Rather, Public Counsel requests that the Commission direct its General Counsel, acting on the

¹ Staff correctly notes that there is a typographical error in the Complaint; it refers to Section 286.580 where it should refer to Section 386.580. All citations herein are to RSMo 2000.

3. Commission's behalf, to refer any finding of a violation of Section 386.580 to the county prosecuting attorney. The prosecuting attorney, and not the Commission's General Counsel, would act as the prosecutor.

Respectfully submitted,
OFFICE OF THE PUBLIC COUNSEL
/s/ Lewis R. Mills, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 20th day of October 2005:

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