

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Robert Burdette Corporation,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2008-0039</u>
)	
Aquila, Inc.)	
)	
Respondent.)	

**ORDER FOR MEDIATION, APPOINTING MEDIATOR, STAYING
PROCEEDINGS, DIRECTING SUBMISSIONS TO MEDIATOR AND
DIRECTING FILING OF STATUS REPORT WITH THE COMMISSION**

Issue Date: October 10, 2007

Effective Date: October 10, 2007

On August 9, 2007,¹ the Robert Burdette Corporation filed a complaint with the Commission against Aquila, Inc. ("Aquila"). On August 13, the Commission issued a Notice of Deficiency because the Complainant, as a corporation, had failed to obtain representation by legal counsel. On September 11, Complainant refiled its complaint with proper legal representation. Consequently, the Commission issued notice of the complaint on September 12 and directed Aquila to answer.

On October 1, Aquila filed a request for mediation, indicating its willingness to enter into third-party mediation. Consequently, on October 2, the Commission ordered Complainant to respond to Aquila's request. On October 5, Aquila filed a response to the

¹ All dates throughout this order refer to the year 2007 unless otherwise noted.

Commission's October 2 order. Aquila asserts that Complainant has consented to Aquila's request to mediate, in fact, Complainant demanded mediation in its complaint. Therefore, as permitted by Commission Rule 4 CSR 240-2.125, the Commission will stay all other proceedings in this matter while the parties mediate.

Pursuant to Commission Rule 4 CSR 240-36.030(3), the Commission hereby appoints Cherlyn Voss, Regulatory Law Judge, as Mediator. As required by Commission Rule 4 CSR 240-36.030(4), within thirteen days of this order, each party shall submit a written statement to the Mediator summarizing the dispute and shall furnish such other material and information it deems appropriate to familiarize the Mediator with the dispute.

All documentation submitted to the mediator shall be submitted to:

Cherlyn Voss, RLJ
Missouri Public Service Commission
Governor Office Building
200 Madison Street, Suite 900
Jefferson City, Missouri 65102

The assigned mediator shall convene an initial conference to discuss a procedural schedule, and each party should be prepared to present its position informally to the Mediator at the initial conference. **No materials utilized for mediation shall be filed under this case number to ensure the impartiality of the Presiding Officer to this matter should mediation fail to resolve the dispute.**

The parties shall inform the Commission in writing of the progress of the mediation on or before November 15, 2007. This separate filing should be made with the Commission in Case Number EC-2008-0039.

IT IS ORDERED THAT:

1. The parties shall mediate their dispute pursuant to Commission Rule 4 CSR 240-36.030. A copy of this Rule is attached to this order.

2. No later than October 23, 2007, the parties shall contact Cherlyn Voss, Regulatory Law Judge, the appointed Mediator, at the Missouri Public Service Commission, 573-751-3966, to initiate the mediation process.

3. No later than October 23, 2007, each party shall submit to the Mediator a written statement summarizing the dispute and shall furnish such other material and information it deems appropriate to familiarize the Mediator with the dispute.

4. All submissions to Mediator Cherlyn Voss shall be sent to:

Cherlyn Voss, RLJ
Missouri Public Service Commission
Governor Office Building
200 Madison Street, Suite 900
Jefferson City, Missouri 65102

5. All other proceedings in this matter are stayed pending the outcome of the mediation, except as otherwise indicated in this order.

6. The parties shall jointly report the status of the mediation in writing with the Commission on or before November 15, 2007. This status report shall be filed under Case Number EC-2008-0039.

7. This order shall become effective on October 10, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of October, 2007.