

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

In the Matter of Tariff Revisions Filed)	
by Aquila, Inc., d/b/a Aquila Networks-MPS)	
and Aquila Network-L&P Designed to)	Case No. EO-2007-0395
Continue and Expand its Fixed Bill Pilot)	Tariff No. JE-2007-0739
Program		

**RESPONSE OF AQUILA, INC. TO THE OFFICE OF THE PUBLIC
COUNSEL'S MOTION TO SUSPEND OR REJECT TARIFF**

COMES NOW Aquila, Inc. ("Aquila" or the "Company") as it concerns a Motion to Suspend or Reject Tariff filed by the Office of the Public Counsel ("OPC") in the captioned matter, states the following:

1. On August 27, 2007, OPC filed a Motion to Suspend or Reject Tariff in the captioned case. Public Counsel has provided no basis for summary rejection of the tariff. Public Counsel's pleading does not meet the requirements of Commission rule 4 CSR 240-2.117 that sets forth the showing that must be made for a summary disposition. Moreover, OPC incorrectly asserts that the Commission's affiliate transaction and promotional practices rules are implicated which is wrong. The service will be offered by the regulated utility (not an affiliate) and it is a customer billing option (not a load-building program).

2. Aquila suggests the Staff's recommendation that the tariffs be suspended and a prehearing conference be convened to establish a procedural schedule whereby the facts and policy implications of the Company's filing can be fully considered by the Commission is the preferred approach in the event that the Commission is not inclined to allow the tariffs to go into effect on September 1, 2007. In this regard, OPC requests suspension as an alternative form of relief.

WHEREFORE, Aquila requests that the Commission deny Public Counsel's motion to reject the tariff filing for the reasons aforesaid.

Respectfully submitted,

BRYDON SWEARENGEN & ENGLAND, P.C.

By:

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 27th day of August, 2007, to the following:

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