

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

In the Matter of the Resource Plan of Aquila, Inc.,)	
d/b/a Aquila Networks-MPS and Aquila)	Case No. EO-2007-0298
Networks L&P Pursuant to 4 CSR 240-22)	

RESPONSE TO AQUILA, INC.'S OPPOSITION TO INTERVENTION

COMES NOW DOGWOOD ENERGY, LLC ("Dogwood") and submits its Response to Aquila, Inc.'s ("Aquila") Opposition to Intervention and states as follows:

1. On March 9, 2007, Aquila filed its Response in Opposition to Dogwood's intervention in this proceeding. Aquila's Opposition is wholly without merit and Dogwood's Application to Intervene should be granted.

2. Aquila's Opposition to Dogwood's intervention is based upon the premise that Dogwood, as a potential supplier and competitor, will use information obtained in this proceeding to gain an unfair competitive advantage. Dogwood is not seeking intervention to uncover commercial data. Even if such material is disclosed through the course of this case the Commission may, at the request of any party, issue its standard protective order which provides that only counsel and outside experts may possess or review "highly confidential" material. There is absolutely no reason to believe Aquila's premise has any validity, and it presents no facts to support its unfounded assumption.

3. Outside counsel for Dogwood has appeared and represented a broad spectrum of clients in innumerable Commission proceedings over approximately twenty (20) years and there has never been a single incident where properly classified

information has been disclosed or used in an inappropriate manner. There is no basis upon which this case can be distinguished.

4. Aquila has made these very arguments in prior proceedings. In Case No. ER-2005-0436 (Aquila's most recent rate case) Aquila opposed the intervention of Calpine Central, L.P. (Calpine) on the same grounds asserted in this instance. Calpine is the previous owner of the Dogwood Plant. (f/k/a Aries Plant) and was thus in a position with interests nearly identical to those of Dogwood. The Commission rejected Aquila's arguments and granted Calpine's Application to Intervene.

5. Dogwood, as a potential supplier, can provide facts and expertise in this proceeding that could be valuable to the Commission and other participants. Moreover Dogwood may be significantly affected by the outcome of this case. This proceeding could result in a policy determination that could have a direct effect on how Dogwood operates its facilities in Missouri and elsewhere.

6. Finally, in addition to being a potential supplier, Dogwood is also a customer of Aquila. As a result, Dogwood has a direct interest in the results of this proceeding based on the impact it could have on Dogwood's future bills for service from Aquila.

WHEREFORE, Dogwood moves the Commission to deny Aquila's Opposition and grant Dogwood's request to intervene.

Respectfully submitted,

LATHROP & GAGE, L.C.

Dated: March 19, 2007

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered by U.S. Mail, hand delivery or electronic transmittal on this 19th day of March, 2007, to all parties of record:

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