

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

In the Matter of the Tariff Filing of                    )  
Trigen-Kansas City Energy Corporation            )  
To Implement a General Rate Increase for        )        Case No. HR-2008-0300  
Regulated Steam Heating Service Provided    )  
To Customers in the Company’s Missouri        )  
Service Area    )

**REQUEST FOR CLARIFICATION**

COMES NOW Trigen-Kansas City Energy Corporation (“Trigen”), by and through the undersigned counsel, and for this Request for Clarification respectfully states as follows:

1. In the Commission’s *Order Directing Notice, Suspending Tariff, Setting Hearings, and Directing Filings* issued in this case on March 12, 2008, the Commission stated that Trigen “shall notify each affected customer of the scheduled hearings. The form and time of the notice shall be agreed upon by the parties and *shall be filed for the Commission’s approval* no later than April 24, 2008.” (emphasis added)
2. As ordered, on April 24, 2008, Staff filed, on behalf of all parties to this case, a *Jointly Proposed Procedural Schedule & Recommendations Regarding Test Year, True-Up, & Local Public Hearings* (the “April 24<sup>th</sup> Filing”). Attached to the April 24<sup>th</sup> Filing as **Appendix B** was the form of notice to be sent to Trigen’s customers after approval by the Commission as agreed upon by the parties. The April 24<sup>th</sup> Filing also indicated that no local public hearings were requested in this case.
3. On April 28, 2008, the Commission issued its *Order Adopting Procedural Schedule and Test Year* in this case in response to the April 24<sup>th</sup> Filing. In said Order, the

Commission recognized that no local public hearings were requested and stated that “The parties suggest that in the event a customer should request a local public hearing, they reserve the right to support or oppose such request. The Commission will consider this suggestion and if it determines that a local public hearing is warranted the final scheduling of the public hearing shall follow in a separate order.” However, the Order was completely silent regarding **Appendix B** to the April 24<sup>th</sup> Filing – *i.e.*, the Order neither approved nor disapproved the form of customer notice. As of the date of filing this Request for Clarification, the Commission has yet to either approve or disapprove the form of customer notice.

4. On June 24, 2008, the Commission issued an *Order Modifying Procedural Schedule* at the request of Staff, in which it eliminated the days of October 30-31 from the evidentiary hearing schedule previously set for this case. Therefore, the evidentiary hearing for this case is currently set for October 20-24 and October 27-29, 2008.

5. Because the Commission has not yet approved the form of customer notice (**Appendix B** to the April 24<sup>th</sup> Filing), Trigen has been unable to send the customer notice. Due to the June 24 *Order Modifying Procedural Schedule*, the dates reflected in said **Appendix B** as the dates set for the evidentiary hearing need to be slightly modified to reflect the elimination of October 30-31 from the evidentiary hearing; otherwise, the form of customer notice set forth on **Appendix B** to the April 24<sup>th</sup> Filing is still correct to the best knowledge of the undersigned.

6. Since the April 28<sup>th</sup> *Order Adopting Procedural Schedule and Test Year* specifically recognized that no local public hearings were requested by the parties to this case and contemplated the possibility (but not the certainty) of a later separate Order, but

neither approved nor disapproved the form of customer notice set forth on **Appendix B** to the April 24<sup>th</sup> Filing, and since the Commission has not yet approved the form of customer notice, Trigen requests that the Commission clarify whether the Commission still wants Trigen to “notify each affected customer of the scheduled hearings” and, if so, whether the Commission approves the form of customer notice set forth on **Appendix B** to the April 24<sup>th</sup> Filing with the modification that the dates of October 30-31 be eliminated from the evidentiary hearing dates set forth on said **Appendix B**. Commission approval of the form of customer notice will enable Trigen to then send the approved notice to its customers.

WHEREFORE, Trigen respectfully requests the Commission issue an order clarifying whether the Commission still wants Trigen to “notify each affected customer of the scheduled hearings” and, if so, whether the Commission approves the form of customer notice set forth on **Appendix B** to the April 24<sup>th</sup> Filing with the modification that the dates of October 30-31 be eliminated from the evidentiary hearing dates set forth on said **Appendix B**.

Respectfully submitted,

/s/ **Jeffrey A. Keevil**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was sent to counsel of record by depositing same in the U.S. Mail first class postage paid, by hand-delivery, or by electronic transmission, this 15th day of August, 2008.

**/s/ Jeffrey A. Keevil**

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