

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

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

**NOTICE OF COMPLAINT AND ORDER DIRECTING STAFF**  
**INVESTIGATION AND RESPONSES**

Issue Date: September 12, 2007

Effective Date: September 12, 2007

Aquila, Inc.  
Legal Department  
10700 East 350 Highway  
Kansas City, Missouri 64138  
**CERTIFIED MAIL**

On August 9, 2007,<sup>1</sup> 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 refilled its complaint with proper legal representation. Consequently, the Commission will now issue notice, direct Aquila to answer the complaint, and order its Staff to conduct an investigation. A copy of the complaint is enclosed with this notice and order.

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<sup>1</sup> All dates throughout this order refer to the year 2007 unless otherwise noted.

Under Commission Rule 4 CSR 240-2.070, Aquila has 30 days from the date of this notice to file an answer or to file notification that the complaint has been satisfied. Since this notice is being issued on September 12, Laclede's response is due by October 12.

In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether the Complainant is also willing to submit to voluntary mediation. If the Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed.

If the Complainant declines the opportunity to seek mediation, the Respondent will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

A copy shall be served upon the Complainant at the Complainant's address as listed within the enclosed complaint. A copy of this notice shall be mailed to the Complainant.

Pursuant to Commission Rule 4 CSR 240-2.070(10), the Commission will direct its Staff, an unbiased third party in this complaint case, to investigate the facts in this case and the contested issues set out in the pleadings. Staff also has the discretion to report

findings as to any other contested issues in this case that may appear during its investigation. The Staff must then file its findings with the Commission and serve copies on the other parties. The Commission will also allow the parties to file responsive pleadings to that report.

**IT IS ORDERED THAT:**

1. The Commission's Data Center shall mail a copy of this Notice and Order to the Complainant, Robert Burdette Corporation.
2. Aquila, Inc. shall, no later than October 12, 2007, file a response to this complaint.
3. The Staff of the Commission shall file, no later than October 22, 2007, a report of its investigation in this matter.
4. Any party may file a response to Staff's report no later than October 29, 2007.
5. This order shall become effective on September 12, 2007.

**BY THE COMMISSION**



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 12th day of September, 2007.