

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 7th day of August, 2008.

In the Matter of the Name Change Request	)	
from Aquila, Inc., dba Aquila Networks – L&P,	)	<b><u>Case No. EN-2009-0015</u></b>
and Aquila, Inc., dba Aquila Networks – MPS,	)	Tariff Nos. JE-2009-0013
to Aquila, Inc., dba KCP&L Greater Missouri	)	and YH-2009-0014
Operations Company.	)	

**ORDER RECOGNIZING NAME CHANGE AND APPROVING TARIFFS**

Issue Date: August 7, 2008

Effective Date: August 8, 2008

On July 2, 2008, Aquila, Inc., dba Aquila Networks – L&P and Aquila, Inc. dba Aquila Networks – MPS (hereafter “Aquila”) and Great Plains Energy Incorporated (hereafter “GPE”) requested the Commission to recognize Aquila’s name change to Aquila, Inc., dba KCP&L Greater Missouri Operations Company. With its application, the applicants filed tariff sheets evidencing such a name change that bear an effective date of August 1, 2008. However, Aquila and GPE also filed a Motion for Expedited Treatment, asking the Commission to approve the tariffs effective July 14, 2008, which would coincide with the closing date of the transactions authorized in Commission Case No. EM-2007-0374.

On July 8, the Office of the Public Counsel (hereafter “Public Counsel”) responded. It stated that it did not object to the name change itself. Nevertheless, Public Counsel suggested that the Commission should time its decision to coincide with its decision on whether to extend the effective date of its Report and Order in Case No. EM-2007-0374. Further, Public Counsel stated that the applicants have failed to file evidence of the

registration of the fictitious name with the Missouri Secretary of State, as required by Commission rule.

Staff also responded on July 8, recommending that the Commission approve the name change subsequent to Aquila and GPE's timely filing of the registration of the fictitious name with the Missouri Secretary of State. On July 9, the Commission denied the Motion for Expedited Treatment on the grounds that Aquila and GPE had failed to comply with Commission Rule 4 CSR 240-2.060(5)(B), in that they failed to submit "(e)vidence of registration of the name change with the Missouri secretary of state."

On July 15, in an effort to comply with the above rule, Aquila and GPE filed a Late-Filed Exhibit Concerning Application for Change of Name and Motion for Expedited Treatment to Effectuate That Change. The late-filed exhibit was evidence of registration of the fictitious name with the Missouri Secretary of State.

After its July 15 filing, Aquila and GPE asked the Commission to make the name change effective July 18. They believed their customers would benefit by having less confusion if the name change occurs as soon as possible after the closing of the transactions the Commission approved in Case No. EM-2007-0374. Aquila and GPE state that it will be confusing for Aquila customers to know that GPE has acquired Aquila, but for them to still receive bills and correspondence bearing the name Aquila, as if the transaction had not occurred.

As permitted by the Commission, Public Counsel responded on July 16. Public Counsel stated that it did not oppose the name change itself, but opposes the timing, believing that it is premature for the Commission to approve the name change before the Commission rules on motions for rehearing in Case No. EM-2007-0374. As allowed by the

Commission, Staff filed no reply to Aquila's and GPE's July 15 application, and relied on its July 9 recommendation for the Commission to approve the application. The Commission took up the Applicants' request at its regularly scheduled Agenda meeting on July 17, but declined to grant expedited approval of the tariff to allow sufficient time to examine the Applicants' proposed name change and tariff sheets. On July 30, the Commission suspended the tariff until August 8 in order to complete its examination of the motions for rehearing filed in Case No. EM-2007-0374.

The Commission has now had adequate time to fully review the application, Staff's recommendation, and Public Counsel's pleadings, and to consider and render a decision on the pending motions for rehearing in Case No. EM-2007-0374. A corporation has the legal right to register and operate under the name of its choosing so long as it complies with all pertinent statutory and regulatory mandates. The Commission finds that Aquila and GPE have complied with Commission Rule 4 CSR 240-2.060(5)(B). There is no indication or evidence that recognizing the proposed name change would in any way be against the public interest. The name change shall be recognized and the proposed tariffs shall be approved. The Commission shall approve the tariffs to become effective on August 8, 2008.

**IT IS ORDERED THAT:**

1. The Commission recognizes the name change of Aquila, Inc., dba Aquila Networks – L&P and Aquila, Inc. dba Aquila Networks – MPS to Aquila, Inc., dba KCP&L Greater Missouri Operations Company.

2. Tariff No. JE-2009-0013, (Electric), filed on July 2, 2008, and suspended until August 8, 2008, is approved for service on and after August 8, 2008. The tariff sheet approved is:


**P.S.C. MO. No. 1**  
**Original Title Page, Original Sheet 0.1**

3. Tariff No. YH-2009-0014, (Steam), filed on July 2, 2008, and suspended until August 8, 2008, is approved for service on and after August 8, 2008. The tariff sheet approved is:

**P.S.C. MO. No. 1**  
**Original Title Page, Original Sheet 0.1**

4. This order shall become effective on August 8, 2008 at 12:01 a.m.
5. This case shall be closed on August 9, 2008.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Murray, Clayton, Jarrett, and Gunn, CC., concur.  
Davis, Chm., absent.

Pridgin, Senior Regulatory Law Judge