

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

In the Matter of Aquila, Inc., d/b/a)	
Aquila Networks - MPS and Aquila)	
Networks - L&P for Authority to)	
Transfer Operational Control of Certain)	<u>Case No. EO-2008-0046</u>
Transmission Assets to the Midwest)	
Independent Transmission System)	
Operator, Inc.)	

PUBLIC COUNSEL’S RESPONSE TO ORDER DIRECTING PARTIES TO RESPOND

COMES NOW the Office of the Public Counsel and for its Response to Order Directing Parties to Respond states as follows:

1. On January 7, 2008, the Staff of the Commission responded to the Midwest Independent System Operator’s filing of supplemental rebuttal testimony by requesting an extension of the procedural schedule to address that testimony, and by requesting a compression of discovery times to address that testimony.¹

2. Public Counsel generally supports Staff’s proposals, with one minor change. Because of a commitment by Public Counsel witness Kind² to be out of town for a significant period of time in early February, and because Public Counsel’s direct testimony in Case No. ER-2008-0093 (the Empire District Electric Company rate case) is due on February 22, Public Counsel requests that surrebuttal testimony in this case be due on February 27 rather than February 22 as Staff suggests.

¹ On January 11, Staff suggested that the shorter time for discovery need only apply to discovery submitted to MISO and not to discovery submitted to other parties.

² Mr. Kind did not file rebuttal testimony, but anticipates filing surrebuttal testimony.

WHEREFORE, Public Counsel respectfully submits this Response to Order Directing Parties to Respond.

Respectfully submitted,

OFFICE OF THE Public Counsel

/s/ Lewis R. Mills, Jr.

By:_____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 11th day of January 2008.

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