

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

In the Matter of Tariff Revisions Filed by Aquila,)
Inc. d/b/a Aquila Networks-MPS and Aquila) **Case No. EO-2007-0395**
Networks-L& P Designed to Continue and Expand) Tariff No. JE-2007-0739
its Fixed Bill Pilot Program)

PUBLIC COUNSEL’S PROPOSED LIST OF ISSUES

COMES NOW the Office of the Public Counsel and for its Proposed List of Issues states as follows:

1. On October 18, 2007, the Commission issued an order adopting the parties’ proposed procedural schedule. In that order, the Commission directed the parties to agree upon and the Staff to file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness.

2. The parties have discussed the list of issues, but have been unable to agree on a common list. Aquila, Inc. filed a proposed list of issues containing just one high-level issue:

Approval of Tariffs: Should Aquila’s Fixed Bill Pilot Program (Tariff No. JE-2007-0739) comprised of three (3) tariff sheets be found to be just and reasonable, in the public interest and approved by the Commission?

3. Public Counsel does not disagree that the issue proposed by Aquila is the ultimate conclusion that the Commission must reach. But given the Commission’s admonition in its October 18 order that: “Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission,” Public Counsel suggests that a more detailed list of issues is appropriate. Public Counsel proposes the following issues in addition to the one proposed by Aquila:

- Should the proposed pilot program be made available to all eligible Aquila customers for a five year pilot time period?
- Is the proposed below-the-line accounting treatment appropriate for the proposed program?
- Are the provisions of the affiliate transactions rule applicable to the proposed program?
- Are the provisions of the promotional practices rule applicable to the proposed program?
- Would approval of the proposal outside of a rate case constitute single issue ratemaking?
- Is the tariff language that permits Aquila to set fixed bills based on the “expected” level of rates lawful and in the public interest?
- If the Commission approves the proposed fixed bill program, what should the cap on program fees be?
- If the Commission approves the proposed fixed bill program, should the tariff include a “kWh growth factor”?
- Should the Commission consider Great Plains Energy’s proposed acquisition of Aquila in deciding whether to approve the tariffs?

4. Public Counsel concurs in the order of witnesses and order of cross-examination suggested by Aquila.

WHEREFORE, the Office of the Public Counsel respectfully requests that the Commission adopt the foregoing List of Issues.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 23rd day of October 2007:

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