

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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

**STAFF REPLY TO AQUILA AND DOGWOOD RESPONSES
TO STAFF MOTION TO MODIFY PROCEDURAL SCHEDULE**

Comes now the Staff of the Missouri Public Service Commission (“Staff”) and, in reply to the responses of Aquila, Inc. and Dogwood Energy, LLC to the Staff’s motion to modify the procedural schedule in this case, states:

1. As the Staff stated in its motion:
 - a. MISO [(Midwest Independent Transmission System Operator, Inc.)] witness Pfeifenberger's supplemental rebuttal testimony was not filed until December 28, 2007.
 - b. MISO witness Pfeifenberger's supplemental rebuttal testimony includes both major revisions to his rebuttal testimony filed on November 30, 2007 and a new production cost simulation study.
 - c. As MISO states in its motion, the parties are actively engaged in discovery in this case and, if it is to be allowed in this case, the Staff needs to engage in discovery regarding Mr. Pfeifenberger's supplemental rebuttal testimony, much of which will be sought and reviewed by Staff witness Michael S. Proctor.

d. Currently the response times to discovery requests are 10 days to object and 20 days to answer and, as MISO points out in its motion, under the current schedule, surrebuttal testimony is due January 18, 2008. With a 20-day response time, it is obvious discovery may not be completed as to Mr. Pfeifenger's supplemental rebuttal testimony before the ordered surrebuttal filing date of January 18, 2008.

2. Staff principally proposed shortening the time for objecting to discovery requests to five business days and the time for responding to discovery requests to ten calendar days for the purpose of providing an opportunity to conduct adequate discovery of MISO regarding Mr. Pfeifenger's rebuttal testimony as supplemented. Therefore, the Staff is amenable to only MISO being subjected to the shortened response times, i.e., leaving the discovery response times as they are for all parties except MISO is acceptable to the Staff.

3. While not labeled as "good cause" in its motion, the Staff believes it adequately pleaded good cause for shortening the discovery response times by the statement in its motion that "the Staff requires a reasonable opportunity to respond to [the supplemental rebuttal] testimony [of MISO witness Pfeifenger]."

Wherefore, in reply to the responses of Aquila, Inc. and Dogwood Energy, LLC, the Staff states it is amenable to the shortened discovery response times it proposes being applicable only to MISO.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all counsel of record this 11th day of January 2008.

/s/ Nathan Williams