

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 Platte-Clay)
Electric Cooperative, Inc. for Approval of a)
Written Territorial Agreement Designating the)
Boundaries of Exclusive Service Areas within)
Platte and Clay County, Missouri)

Case No. EO-2007-0325

ORDER GRANTING REQUEST FOR A HEARING AND SETTING
PROCEDURAL SCHEDULE

Issue Date: April 18, 2007

Effective Date: April 18, 2007

On March 7, 2007,¹ Aquila, Inc., d/b/a Aquila Networks-MPS (“Aquila”) and Platte-Clay Electric Cooperative, Inc., (“PCEC”) (collectively “Applicants”) filed a verified Joint Application (“Application”) requesting that the Commission determine that their proposed territorial agreement, designating the service territory of each of the Applicants, is not detrimental to the public interest. On March 12, the Commission issued an order directing that notice of the application be given to the general public and to other potentially interested parties. That order also set an intervention deadline of April 2. There were no requests to intervene.

On April 12, the Commission’s Staff filed its recommendation and verified memorandum in support of approving the Application. On April 18, Aquila, representing that it was acting on behalf of Applicants, filed a request for a hearing. Section

¹ All dates throughout this order refer to the year 2007, unless otherwise noted.

394.312.4 provides that the Commission is to hold an evidentiary hearing to determine whether a territorial agreement is to be approved.² The Commission notes that there does not appear to be a dispute among the parties as to the approval of the territorial agreement. Nevertheless the Applicants, proper parties, have requested a hearing and a hearing shall be granted.

The Commission had reserved the date of May 23 for a hearing in this matter and shall set the procedural schedule to culminate in a hearing on that date. The hearing shall be live, without prefiled testimony. The Commission also finds that the following conditions should be applied:

(A) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on the day of the hearing and the order in which they will be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(B) Each party shall file a statement of its position on each issue, whether disputed or not. Such statement shall be simple and concise, and may not contain argument about why the party believes its position to be the correct one.

(C) The Commission directs that there shall be closing arguments in lieu of post-hearing briefs.

(D) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled,

² All statutory references are to RSMo 2000 unless otherwise specified.

the party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. However, given the statutory mandate that the Commission must make a determination on this request within one hundred and twenty days of the filing of the application, i.e. no later than July 5, the Commission shall expedite the transcript.³

IT IS ORDERED THAT:

1. The following procedural schedule is established:

List of Issues, Position Statements, List of Witnesses, Order of Opening Statements and Order of Witnesses and Cross Examinaiton	- May 10, 2007
Hearing	- May 23, 2007, beginning at 8:30 a.m.

2. The hearing will be held in Room 310 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

³ Section 384.312.3.

3. This order shall become effective on April 18, 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 18th day of April, 2007.