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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

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TRANSCRIPT OF PROCEEDINGS

PREHEARING

September 23, 2003

Jefferson City, Missouri

Volume 1

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In the Matter of Aquila, Inc., d/b/a Aquila )Case No.  
Networks - MPS and Aquila Networks - L&P's )EO-2003-0566  
Application to Join the Midwest Independent )  
Transmission System Operator, Inc. )

BEFORE: \_\_\_\_\_  
LEWIS MILLS,  
DEPUTY CHIEF REGULATORY LAW JUDGE.

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REPORTED BY:  
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ASSOCIATED COURT REPORTERS

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1 JUDGE MILLS: We're on the record this morning  
2 for a prehearing conference in Case No. EO-2003-0566 which  
3 is styled in the matter of Aquila, Inc., d/b/a Aquila  
4 Networks MPS and Aquila Networks L&P's application to join  
5 the Midwest Independent Transmission System Operator, Inc.

6 We'll begin by taking entries of appearance  
7 starting on my left with the Staff and then moving around  
8 the room.

9 MR. DOTTHEIM: Steven Dottheim, Dennis Frey,  
10 Post Office Box 360, Jefferson City, Missouri 65102,  
11 appearing on behalf of the Staff of the Missouri Public  
12 Service Commission.

13 MR. COOPER: Dean L. Cooper from the law firm  
14 of Brydon, Swearngen and England, PC, PO Box 456, Jefferson  
15 City, Missouri 65102, appearing on behalf of Aquila, Inc.,  
16 doing business as Aquila Networks MPS and Aquila Networks  
17 L&P.

18 MR. COFFMAN: Good morning. John B. Coffman,  
19 PO Box 7800, Jefferson City, Missouri 65102, appearing on  
20 behalf of the Office of the Public Counsel.

21 MR. LOWERY: James B. Lowery of the law firm  
22 of Smith, Lewis, LLP, PO Box 918, Columbia, Missouri 65211.

23 Your Honor, if you'd excuse my less than  
24 formal attire, I didn't expect to be here this morning, but  
25 because of some FERC testimony that's due in the Midwest

1 FERC inquiry today, we had to change gears a little bit this  
2 morning.

3 JUDGE MILLS: That's quite all right.

4 MR. SWEARENGEN: James C. Swearengen for The  
5 Empire District Electric Company. My address is 312 East  
6 Capitol Avenue, Jefferson City, Missouri.

7 MR. FISHER: James M. Fischer, Fisher and  
8 Dority, PC, 101 Madison, Suite 400, Jefferson City, Missouri  
9 65101, appearing today on behalf of Kansas City Power &  
10 Light Company.

11 MR. COMLEY: Mark W. Comley, Newman, Comley  
12 and Ruth, 601 Monroe, Suite 301, Jefferson City, Missouri  
13 65101 appearing on behalf of the City of Kansas City.

14 MR. HUSLIG: Carl Huslig with Aquila Networks  
15 doing business as MPS and L&P. My address is 750 Northwest  
16 Missouri Road, Lee's Summit, Missouri 64086.

17 MR. SWENSEN: Tim Swensen of Blackwell Sanders  
18 Peper Martin, 2300 Main Street, Suit 1000, Kansas City,  
19 Missouri 64108, appearing on behalf of MISO.

20 JUDGE MILLS: Thank you.

21 Okay. Anything we need to take up while we're  
22 on the record?

23 Before we went on the record, there was some  
24 discussion of the possibility of a request to postpone the  
25 deadline for filing procedural schedule. Does anybody want

1 to address that or --

2 MR. COOPER: Yes, your Honor. The Company had  
3 mentioned the possibility that because of the status of both  
4 the AmerenUE application to join the MISO and certain other  
5 issues concerning the MISO, that the company may make a  
6 proposal that the procedural schedule in this case be put  
7 off, not agreed to until further events transpire in those  
8 two matters.

9 It's my understanding that at least in terms  
10 of the Staff, there is not objection to that and we intend  
11 to discuss that with the remainder of the parties today.

12 JUDGE MILLS: Can you give me any indication  
13 of the kind of time frame you're looking at? Indefinite  
14 postponement or a week, a month?

15 MR. COOPER: Well, I think indefinite is the  
16 most accurate description of it. I think that perhaps if  
17 the Commission wanted to take the matter up again in a month  
18 to six weeks, from the Company's perspective certainly that  
19 would be a good opportunity to re-examine the situation at  
20 that point in time and see where we are.

21 JUDGE MILLS: I think at least from the  
22 perspective from this side, it gives me more comfort if  
23 there's a date out there at which something is going to  
24 happen instead of just sort of letting things tail off into  
25 limbo. And I think that most of the Commissioners feel the

1 same way.

2 So it may be -- it may make things a little  
3 easier from our perspective if you propose to continue, say,  
4 for a month rather than indefinite. And, of course, when  
5 the month rolls around, if the time is not yet right for the  
6 filing of a procedural schedule or things weren't moving in  
7 this case, you can always ask again.

8 But it's your pleading, you can file it  
9 however you want, but I think that may be more amenable to  
10 an easy resolution if you set a new deadline for yourselves  
11 rather than simply --

12 MR. COOPER: That's understood.

13 JUDGE MILLS: Is there anything else we need  
14 to take up while we're on the record?

15 Okay. Hearing nothing, we're off the record.

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