

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

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|---|---|-----------------------|
| 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 |) | Case No. EO-2008-0046 |
| Transmission Assets to the Midwest |) | |
| Independent Transmission System |) | |
| Operator, Inc. |) | |

**THE CITY OF INDEPENDENCE'S RESPONSE TO AQUILA'S SUGGESTION OF
UNCONTESTED FACTS**

THE CITY OF INDEPENDENCE, MISSOURI ("City") respectfully submits its response to Aquila's Suggestion of Uncontested Facts, filed by Aquila on March 21, 2008. The City's comments are limited to Paragraph Nos. 10 and 23 of Aquila's suggested facts.¹

Paragraph No. 10: The second sentence of Paragraph No. 10 states that "The City also has an existing wholesale power purchase agreement with Aquila." This sentence is not factually accurate and should be stricken and replaced with the following two sentences:

The City also has a Municipal Participation Agreement with Aquila which serves as an interconnection agreement. This agreement allows for wholesale transactions but none have been transacted in the past approximately ten years.

¹ The City has not independently verified the remaining suggested facts, but the City has no particular reason to question their veracity.

Paragraph No. 23: Paragraph No. 23 states in its entirety that "The Midwest ISO and SPP have different market structures." This is a true statement, but the City is uncertain of Aquila's purpose for including it in the suggested facts.

The City objects to the inclusion of this proposed stipulation if and to the extent that Aquila is seeking to stipulate to this fact in order to then attempt to limit at hearing cross-examination regarding the CRA analysis submitted by Aquila as part of its filing. City Witness Mark Volpe's testimony explains that the CRA study's conclusions are unreliable because the study assumes that the Midwest ISO and SPP markets are essentially the same even though they are not. Aquila is now seeking to stipulate to the fact that the markets are different, contrary to the assumptions on which the study is premised. The City does not oppose Paragraph No. 23 if its inclusion in the stipulated facts will not prevent parties from conducting such examination and presenting such argument as they deem necessary and appropriate to develop a full record, including the discrediting of a study that is premised on assumptions that Aquila would now stipulate are untrue. Otherwise the City opposes Paragraph No. 23 as incomplete and insufficiently detailed to be a useful stipulation.

Dated this 25th day of March, 2008.

Respectfully submitted,

B. Allen Garner, Esq., Missouri Bar # 26532

City Counselor

Dayla Bishop Schwartz, Esq., Missouri Bar #31399

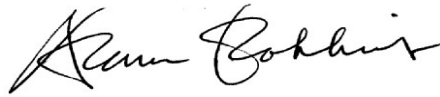
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A handwritten signature in black ink, appearing to read "Alan Robbins". The signature is fluid and cursive, with the first name "Alan" and last name "Robbins" clearly distinguishable.

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the City of Independence's Response to Aquila's Suggestion of Uncontested Facts was served electronically to all counsel of record compiled by the Secretary of the Commission for this proceeding.

Dated at Washington, DC this 25th, day of March, 2008.

//s// Michelle King

Michelle King

Legal Assistant

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