

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

**In the Matter of the Application of Aquila, Inc., for)
Permission and Approval and a Certificate of Public)
Convenience and Necessity Authorizing it to Acquire,)
Construct, Install, Own, Operate, Maintain, and)
Otherwise Control and Manage Electrical Production)
and Related Facilities in Unincorporated Areas of Cass)
County, Missouri Near the Town of Peculiar, Missouri.)**

Case No. EA-2006-0309

**STAFF RESPONSE TO MOTION OF STOPAQUILA.ORG FOR ORDER
PERMITTING USE OF HIGHLY CONFIDENTIAL MATERIAL**

COMES NOW the Staff of the Commission, and in response to Intevenor StopAquila.org's (Stop Aquila) Motion for Order Permitting Use of Highly Confidential Material and states:

1. In its Proposed Report, filed on May 18, 2006, StopAquila, in what it has identified as "confidential testimony" under Section C, takes Staff witness Mantle's testimony concerning the South Harper site out of context.

2. While Staff agrees that information that is not truly confidential should be released to the public, the information that should be released, if any, is Ms. Mantle's actual testimony, not StopAquila's interpretation of her testimony.

3. In Vol. 6, p. 675, Ms. Mantle testified concerning resource planning information discussed with Aquila. The question she answered concerned ** _____, ** not the reasonableness of the construction of the current CTs at this site. StopAquila's reasoning in applying Ms. Mantle's comments about future construction to the current situation is flawed.

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4. The reason that Ms. Mantle would ** _____ ** is
not because it is not a reasonable site but ** _____.” **

Ms. Mantle’s testimony is included below:

** _____

**

5. Not only are the inferences StopAquila draws from this testimony and its
application to the current situation are faulty, Staff believes that this particular passage is
irrelevant to the issues before the Commission in this case.

WHEREFORE Staff requests that, if the Commission decides to release any HC
information, the actual testimony be released.

Respectfully submitted,

/s/ Lera L. Shemwell

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 23rd day of May, 2006.

/s/ Lera L. Shemwell