

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Resource Plan of Aquila,)
 Inc., d/b/a Aquila Networks – MPS and Aquila) **Case No. EO-2007-0298**
 Networks – L&P Pursuant to 4 CSR 240-22)

ORDER GRANTING INTERVENTION

Issue Date: April 2, 2007

Effective Date: April 2, 2007

On February 5, 2007, Aquila Inc., d/b/a Aquila Networks – MPS and Aquila Networks – L&P, filed its Utility Resource Filing as required by 4 CSR 240-22. This filing is also sometimes known as an integrated resource plan, or IRP. The Commission gave notice of this filing, allowing potential parties until February 27 to request intervention.

Dogwood Energy, LLC, applied for intervention. Aquila opposes Dogwood's intervention, stating that Dogwood, as owner of the Aries plant, is a competitor and potential energy supplier to Aquila, and that allowing Dogwood into the case would grant Dogwood access to confidential information that Dogwood could use to Aquila's detriment, thereby increasing Aquila's cost to purchase power.

Dogwood counters that it does not seek commercial data, and that the Commission can protect such data with a protective order. Dogwood reminds the Commission that when Aquila asserted this very argument against Calpine Central, L.P., in its last rate case, the Commission rejected the argument and allowed Calpine to intervene.

Staff states that as an owner of a generating plant in Aquila's service territory, Dogwood has an interest different from that of the general public. Further, Staff believes

that Dogwood may have information that would further the integrated resource planning objectives the Commission has expressed in Commission Rule 4 CSR 240-22.011. Staff recommends that the Commission grant its standard protective order, and allow Dogwood to intervene.

Discussion

Commission Rule 4 CSR 240-2.075(4) allows the Commission to grant intervention to a person who has an interest different from that of the general public and which may be adversely affected by a final order arising from the case, or if granting intervention would serve the public interest. Upon review of the application, the Commission finds that Dogwood meets the standard in Commission Rule 4 CSR 240-2.075(4).

As Staff stated, Dogwood, as an owner of a generating plant that could provide energy to Aquila, has an interest different from that of the general public. And, that interest as a wholesale electric power provider may be adversely affected by the Commission's order concerning Aquila's integrated resource plan.

Any concern Aquila has about Dogwood receiving highly confidential or proprietary information should be covered by the Commission's new rule on confidential information, Commission Rule 4 CSR 240-2.135. In particular, Commission Rule 4 CSR 240-2.135(2)(A) allows a party to designate information as confidential or highly proprietary without getting a "standard protective order" as done in the past.

IT IS ORDERED THAT:

1. The application to intervene of Dogwood Energy, LLC is granted, and Dogwood Energy, LLC, is now a party to this case.
2. This order shall become effective on April 2, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory Law
Judge, by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of April, 2007.