

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 DIRECTING NOTICE, ESTABLISHING TIME FOR FILING
RECOMMENDATIONS, SETTING DATE FOR SUBMISSION
OF INTERVENTION REQUESTS AND SETTING DATE FOR FILING A
PROCEDURAL SCHEDULE

Issue Date: March 12, 2007

Effective Date: March 12, 2007

On March 7, 2007, Aquila, Inc., d/b/a Aquila Networks-MPS (“Aquila”) and Platte-Clay Electric Cooperative, Inc., (“PCEC”) (collectively “Applicants”) filed a joint 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. Applicants state that they have mutually agreed to displace competition between themselves as allowed by law and have set out the terms of their agreement in a document entitled Territorial Agreement, which is attached to the application and referred to as Appendix B. The Territorial Agreement contains legal descriptions and plat maps, which, according to the Applicants, represent their respective boundaries in relation to four exclusive electric service areas within Clay and Platte Counties, Missouri.

The Applicants state that no other municipal electric supply systems or investor-owned electric utilities operate within the area covered by the agreement. Applicants also claim that the agreement does not require the transfer of any facilities or customers so no list of persons whose utility service would be changed is included with its application, as required by 4 CSR 240-3.130(1)(E). Applicants further assert that because it already has a certificate of public convenience and necessity to provide utility service in this portion of Platte and Clay Counties, that it has not included an “illustrative tariff” reflecting any proposed changes to its certification as required by 4 CSR 2403.130(1)(C). Applicants have submitted the filing fee as required by 4 CSR 240-3.130(3).

Section 394.312, RSMo, 2000 requires that such agreements be submitted to the Missouri Public Service Commission for approval. The statute provides that the Commission may approve the submitted agreement if it determines that the agreement is not detrimental to the public interest. The statute further provides that the Commission must rule on the application within one hundred twenty (120) days from the date filed unless otherwise ordered by the Commission for good cause shown.

Upon review of the application, the Commission finds that notice of this application should be sent to interested persons and an intervention date set. The Commission determines that notice of this application should be given by the Commission's Data Center sending a copy of this order to the County Commissions of Platte and Clay Counties, Missouri. The Commission further determines that the Information Officer of the Commission should provide notice to the members of the

General Assembly representing the Applicants' service areas and to the newspapers which serve Applicants' service areas.

The Commission finds that proper persons wishing to intervene shall have twenty (20) days from the date of this order to file an application to intervene with the Secretary of the Commission and shall send a copy of the application to intervene to all parties as directed below.

The Commission will also direct Staff to file a recommendation regarding the Joint Application, and the Applicants, Staff, and the Office of the Public Counsel shall jointly or separately file a proposed procedural schedule that provides for a hearing if one is requested. The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party is granted intervention, and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary.

IT IS ORDERED THAT:

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as set out herein.
2. The Missouri Public Service Commission's information officer is ordered to serve notice as set out herein.
3. Any interested person wishing to intervene in this case shall file an application to intervene on or before April 2, 2007, with:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and serve a copy on:

Paul A. Boudreau
Brydon, Swearngen & England, P.C.
312 E. Capitol Avenue
Jefferson City, Missouri 65102

and

Renee Parsons
Aquila, Inc.
20 West Ninth Street
Kansas City, Missouri 64105-1704

and

Charles Christian Kirley
Husch & Eppenberger, L.L.C.
1200 Main Street, Suite 2300
Kansas City, Missouri 64105-2122

and

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102-2230

4. No later than April 12, 2007, the Staff of the Missouri Public Service Commission shall file its recommendation or a preliminary response to the application.

5. Any party wishing to respond to the Staff of the Missouri Public Service Commission's recommendation shall do so no later than April 19, 2007.

6. In the event that a proper party requests a hearing, the Applicants, Staff, Public Counsel, and any intervening party shall file a proposed procedural schedule on or before April 23, 2007, and such procedural schedule shall provide for the hearing to take place on or before May 23, 2007. In the event that no proper party requests a hearing, then there is no requirement for a procedural schedule to be filed.

7. This order shall become effective on March 12, 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 12th day of March, 2007.