

**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, and)
otherwise Control and Manage Electrical)
Production and Related Facilities in)
Unincorporated Areas of Cass County,)
Missouri Near the Town of Peculiar)

Case No. EA-2006-0309

MOTION FOR RECONSIDERATION

COMES NOW the Office of the Public Counsel and for its Motion for Reconsideration states as follows:

1. On January 25, 2006, Aquila, Inc. filed an application asking that the Commission grant it a certificate of convenience and necessity for the South Harper generating facility and associated substation.
2. On January 26, the Commission issued an Order and Notice in which it established February 27 as the deadline for applications to intervene.
3. On February 15, Aquila filed a lengthy and detailed motion that, *inter alia*, sought approval of an extraordinarily expedited procedural schedule.
4. On February 16, the Commission set a deadline of February 22 for responses to Aquila's February 15 motion.
5. The February 22 deadline is unreasonable. First, Aquila's February 15 motion does much more than simply propose a procedural schedule. It contains a lot of argument about

what the Commission should and should not do, what Cass County could or could not do, what opportunity the public will have for input in the process, etc. To prepare a complete response will be fairly time-consuming.

Second, there is no reason to shorten the normal ten-day response time, since the earliest event Aquila proposes is a prehearing conference on March 1. It would be a much more efficient use of the parties' time to set the deadline for responses for some time after the parties have had an opportunity to meet and discuss the issues.

Third, the February 22 filing deadline falls before the intervention deadline. Apparently the Commission is either seeking responses from entities that have not yet sought intervention (and may not be granted intervention), or is only interested in responses from the statutory parties (Public Counsel and the Commission Staff). In either event, it would be much more reasonable to determine who the proper parties are, and allow them the opportunity to meet at a prehearing conference before requiring responses to Aquila's February 15 motion.

6. Without limiting its right to further respond to Aquila's February 15 motion, Public Counsel states that it supports Aquila's proposal to schedule an early prehearing conference shortly after the Commission has ruled on applications to intervene.

WHEREFORE, Public Counsel respectfully requests that the Commission: 1) reconsider and rescind its order setting a deadline of February 22 for responses to Aquila's February 15 motion; 2) issue an order setting an early prehearing conference; 3) set a deadline of one week after the early prehearing conference for responses to Aquila's February 15 motion; and 4) grant other such relief as the Commission deems reasonable.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 17th day of February 2006:

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