

**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.)	

**JOINT REQUEST FOR VARIANCE
FROM COMMISSION RULE 4 CSR 240-22.080**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and, on behalf of all of the parties in this case, requests a variance from Commission Rule 4 CSR 240-22.080 as follows:

1. On February 5, 2007, Aquila, Inc. made its filing required by Chapter 22 of Title 4, Division 240 of the Code of State Regulations which is commonly referred to as an integrated resource plan.

2. After the Commission granted an extension, issued at the request of the Office of the Public Counsel, the Staff, the Office of the Public Counsel, the Missouri Department of Natural Resources and Dogwood Energy, LLC, filed reports or comments asserting deficiencies and raising concerns with Aquila's integrated resource plan filing.

3. Commission Rule 4 CSR 240-22.080(8) provides:

If the staff, public counsel or any intervenor finds deficiencies, it shall work with the electric utility and the other parties to reach, within forty-five (45) days of the date that the report or comments were submitted, a joint agreement on a plan to remedy the identified deficiencies. If full agreement cannot be reached, this should be reported to the commission through a joint filing as soon as possible, but no later than forty-five (45) days after the date on which the report or comments were submitted. The joint filing should set out in a brief narrative description those areas on which agreement cannot be reached.

4. Having received in 1999 a Commission variance allowing it not to comply with the provisions of Chapter 22, until this case Aquila has filed reports on its resource plans. This is

the first filing by Aquila under the provisions of Chapter 22 since the Commission granted the waiver in 1999.

5. As directed by the Commission in Chapter 22, the parties have met numerous times and discussed the deficiencies and concerns asserted, including a face-to-face meeting that lasted six hours on Thursday, July 26, 2007, and which continued through part of the morning of the following day. As a result of their meetings, the parties have made significant progress toward resolving among themselves how the deficiencies should be addressed, as well as how the concerns may be addressed; however, they have not yet resolved how all the deficiencies should be addressed.

6. The parties plan additional discussions for the purpose of working further to resolve how to address all the deficiencies, and to further explore the concerns. Rather than filing now a list of the asserted deficiencies for which the parties have not agreed to a remedy, the parties request the Commission allow them additional time beyond the forty-five days of Commission Rule 4 CSR 240-22.080(8) to work out a joint agreement on a plan to remedy the deficiencies. To that end the parties request the Commission allow them until August 31, 2007, to file a joint agreement, or, if one is not yet reached, but appears imminent, a status report, on a plan to remedy the deficiencies in Aquila's integrated resource plan.

WHEREFORE the Staff, on behalf of all the parties in this case, moves the Commission to grant a variance from the provisions Commission Rule 4 CSR 240-22.080(8) and allow them until August 31, 2007, to file a joint agreement, or, if one is not yet reached, but appears imminent, a status report, on a plan to remedy the deficiencies in Aquila's integrated resource plan.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 3rd day of August 2007.

/s/ Nathan Williams