

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 Aquila Networks – L&P)	
for Authority to Transfer Operational Control of Certain)	<u>Case No. EO-2008-0046</u>
Transmission Assets to the Midwest Independent)	
Transmission System Operator, Inc.)	

ORDER SUSPENDING PROCEDURAL SCHEDULE AND DIRECTING FILING

Issue Date: January 14, 2008

Effective Date: January 14, 2008

On October 2, 2007, the Missouri Public Service Commission issued an Order Adopting Procedural Schedule in this case. Under the approved procedural schedule, all parties filed their rebuttal testimony in this case on or before November 30, 2007. On December 28, 2007, the Midwest Independent Transmission System Operator, Inc., (“MISO”) filed the supplemental rebuttal testimony of Johannes P. Pfeifenberger and a motion to accept that testimony.

On January 7, 2008, Dogwood Energy, LLC, and the Commission’s Staff each timely filed responses to MISO’s motion. Dogwood and Staff argued that allowing MISO to file supplemental rebuttal testimony almost a month after rebuttal testimony was due, just twenty-one days before surrebuttal testimony is due, and barely two months before the evidentiary hearing is scheduled to begin denies them a reasonable opportunity to respond to that supplemental testimony and to prepare for the evidentiary hearing.

Dogwood and Staff both indicated they would not object to MISO’s supplemental rebuttal testimony if the current procedural schedule was modified so as to allow them sufficient time to respond to that testimony and prepare for hearing. In its response Staff

proposed a modified procedural schedule, shortening the time for objecting to discovery requests from ten days to five days, and shortening the time to respond to discovery requests to ten days from the customary twenty days.

The Commission issued an order requiring each party to file, by no later than January 11, 1008, a pleading indicating whether or not they support Staff's proposed modifications to the currently approved procedural schedule. Each party to the case timely filed the requested pleading.

Again, no party objected to MISO's supplemental rebuttal testimony provided the current procedural schedule could be modified so as to allow them sufficient time to respond to that testimony and prepare for hearing. The Commission shall grant MISO's motion to accept the supplemental rebuttal testimony of Johannes P. Pfeifenger. There is disagreement among the parties as how to modify the procedural schedule to best obtain the desired result. However, all parties agree that the January 18, 2008 deadline for filing surrebuttal testimony should be extended. The Commission shall suspend the current procedural schedule and direct the parties to jointly prepare and file a proposed modified procedural schedule no later than January 22, 2008.

IT IS ORDERED THAT:

1. The Motion for Leave to File Supplemental Rebuttal Testimony of Johannes P. Pfeifenger filed by the Midwest Independent Transmission System Operator, Inc., is granted.
2. The procedural schedule adopted in this case by order dated October 2, 2007, is suspended until further order of the Commission.
3. The parties shall jointly prepare and file a proposed modified procedural schedule no later than January 22, 2008.

4. This order shall become effective on January 14, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is positioned above the printed name.

Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 14th day of January, 2008.