

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Tariff Filing of Aquila, Inc., to)
Implement a General Rate Increase for Retail)
Electric Service Provided to Customers in its)
Aquila Networks—MPS and Aquila Networks—)
L&P Missouri Service Areas.)

Case No. ER-2007-0004
Tariff No. YE-2007-0001

MOTION TO REJECT TARIFF SHEETS

COMES NOW the Office of the Public Counsel and for its Motion to Reject Tariff Sheets states as follows:

1. On May 24, 2007¹ Aquila, Inc. filed yet another set of tariff sheets in its attempt to create tariffs that comply with the Commission’s Report and Order. The four tariff sheets filed on May 24 bear an issue date of May 21 and an effective date of June 20.

2. On May 18, Aquila had filed its first set of tariff sheets that were intended to comply with the Report and Order. On May 21, Aquila withdrew its May 18 tariff sheets, and filed its second set of tariff sheets. In its cover letter accompanying the second set of tariff sheets, Aquila stated: “Because those tariff sheets bore an effective date less than thirty (30) days from the date of issuance, Aquila filed new tariff sheets earlier today to correct that error.”

3. In its May 24 tariff filing Aquila tries to avoid making the same error by “backdating” the issue date of its May 24 tariff filing to show an issue date of May 21. A tariff filing made on May 24 cannot have been issued on May 21.

¹ Unless otherwise noted, all dates refer to calendar year 2007.

4. Section 393.140(11) requires 30 days notice of tariff changes. Simply backdating the date of issuance to a date before filing, notice and publication cannot make the period between May 24 and June 20 thirty days. The Commission should reject the May 24 tariff filing.

WHEREFORE, Public Counsel respectfully requests that the Commission reject the tariff sheets filed on May 24, 2007.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:_____

Lewis R. Mills, Jr. (#35275)
Public Counsel
P O Box 2230
Jefferson City, MO 65102
(573) 751-1304
(573) 751-5562 FAX
lewis.mills@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 25th day of May 2007.

Office General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

Nathan Williams
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Nathan.Williams@psc.mo.gov

John B Coffman
AARP
871 Tuxedo Blvd.
St. Louis, MO 63119-2044
john@johncoffman.net

David Woodsmall
AG Processing, Inc
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65102
dwoodsmall@fcplaw.com

Stuart Conrad
AG Processing, Inc
3100 Broadway, Suite 1209
Kansas City, MO 64111
stucon@fcplaw.com

James B Lowery
AmerenUE
111 South Ninth St., Suite 200
P.O. Box 918
Columbia, MO 65202-0918
lowery@smithlewis.com

Thomas M Byrne
AmerenUE
1901 Chouteau Avenue
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166-6149
tbyrne@ameren.com

Renee Parsons
Aquila Networks
20 West 9th Street
Kansas City, MO 64105
renee.parsons@aquila.com

Dean L Cooper
Aquila Networks
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

Diana C Carter
Aquila Networks
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
DCarter@brydonlaw.com

James C Swarengen
Aquila Networks
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
LRackers@brydonlaw.com

Paul A Boudreau
Aquila Networks
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
PaulB@brydonlaw.com

Russell L Mitten
Aquila Networks
312 E. Capitol Ave
P.O. Box 456
Jefferson City, MO 65102
rmitten@brydonlaw.com

Mark W Comley
City of Kansas City, Missouri
601 Monroe Street., Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
comley@ncrpc.com

Mary Ann Young
City of St. Joseph, Missouri
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
myoung0654@aol.com

William D Steinmeier
City of St. Joseph, Missouri
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
wds@wdspc.com

Jeremiah D Finnegan
County of Jackson, Missouri
3100 Broadway, Suite 1209
Kansas City, MO 64111
jfinnegan@fcplaw.com

Capt Frank Hollifield
Federal Executive Agencies
AFCEA/ULT
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403-5319
frank.hollifield@tyndall.af.mil

Shelley A Woods
Missouri Department of Natural
Resources
P.O. Box 899
Jefferson City, MO 65102-0899
shelley.woods@ago.mo.gov

David Woodsmall
Sedalia Industrial Energy Users Association
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65102
dwoodsmall@fcplaw.com

Stuart Conrad
Sedalia Industrial Energy Users
Association
3100 Broadway, Suite 1209
Kansas City, MO 64111
stucon@fcplaw.com

Koriambanya S Carew
The Commercial Group
2400 Pershing Road, Suite 500
Crown Center
Kansas City, MO 64108
carew@bscr-law.com

Rick D Chamberlain
The Commercial Group
6 NE 63rd Street, Ste. 400
Oklahoma City, OK 73105
rdc_law@swbell.net

/s/ Lewis R. Mills, Jr.

By: _____