

**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 Convenience and Necessity )  
Authorizing it to Acquire, Construct, )  
Install, Own, Operate, Control, Manage )  
and Maintain 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

**NOTICE STAFF JOINS IN THE LIST OF ISSUES FILED BY AQUILA**

**COMES NOW** the Staff of the Missouri Public Service Commission and notifies the Commission the Staff joins in the proposed List of Issues filed by Aquila:

1. On March 15, 2006 the Commission issued its Order Setting Procedural Schedule bearing an effective date of March 15, 2006 in which it, among other things, fixed April 11, 2006 as the date by which the parties are to file a List of Issues.

2. During the oral argument on the motions to dismiss held April 5, 2006 the presiding officer suggested the parties attempt to file no more than two competing lists of issues.

3. With the exception of Aquila, all parties in this case first filed their testimony on April 4, 2006 in the form of rebuttal testimony. Without the benefit of surrebuttal testimony, the Staff suggests Cass County's list of specific issues may not be complete.

4. The Staff reviewed the list of issues Aquila initially prepared and the list of issues Cass County circulated and discussed both lists with each drafter. In response to Staff suggestions Aquila added issues to its list. While the Staff believes many of the specific issues listed by Cass County are contested, the Staff questions whether all are being contested in this

proceeding. Further, the Staff believes it is likely new specific issues will arise or become apparent in surrebuttal testimony.

5. The Staff notes that the specific issues listed by Cass County fall within the broader list of issues filed by Aquila.

6. Many of the issues in this case are legal in nature, therefore, the briefs may be of significance in a way not encountered in most Commission proceedings.

7. In light of all the foregoing, with the exception of Aquila's wording of one issue, the Staff elects to join in the list of issues filed by Aquila.

8. As its last issue Aquila states "May such a certificate be conditioned and, if so, in what manner?" The Staff disagrees with that wording and instead would phrase the issue as "If the Commission grants Aquila a certificate of convenience and necessity in this case, what reasonable or necessary condition or conditions, if any, should the Commission impose?"

**WHEREFORE** the Staff notifies the Commission that, with the exception stated above, the Staff joins in the list of issues filed by Aquila.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams  
Senior Counsel  
Missouri Bar No. 35512

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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 11<sup>th</sup> day of April 2006.

**/s/ Nathan Williams**

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