

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

In the Matter of the Name Change Request from )	
Aquila, Inc. d/b/a Aquila Networks – L&P and )	Case No. EN-2009-0015
Aquila, Inc., d/b/a Aquila Networks – MPS, to )	Tariff Nos. JE-2009-0013
Aquila, Inc. d/b/a KCP&L Greater Missouri )	and YH-2009-0014
Operations Company. )	

**STAFF RECOMMENDATION**

Comes now the Staff of the Missouri Public Service Commission (Staff) in response to the July 7, 2008 Order Directing Filing of the Missouri Public Service Commission (Commission) which directed the Staff to file its recommendation, or, in the alternative, a pleading stating when it plans on filing its recommendation, no later than July 8, 2008. In response, the Staff states as follows:

1. 4 CSR 240-2.060(5) provides as follows:

A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

- (A) A statement, clearly setting out both the old name and the new name;
- (B) Evidence of registration of the name change with the Missouri secretary of state; and
- (C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

2. Attached as Appendix A is the Staff's Recommendation that the Commission approve the requested name change by the requested July 14, 2008 date if the Joint Movants Aquila, Inc., d/b/a Aquila Networks – L&P, and Aquila, Inc., d/b/a Aquila Networks – MPS (collectively "Aquila, Inc.") and Great Plains Energy Incorporated **timely file** evidence of registration of the

name change by the Missouri Secretary of State. It is not clear when the Joint Movants will make such filing and whether the Commission will want another recommendation from the Staff when the Joint Movants file evidence of the Missouri Secretary of State's registration of the new fictitious name.

Wherefore, the Staff hereby submits the attached Staff Recommendation.

Respectfully submitted,

/s/ Steven Dottheim

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 8th day of July 2008.

/s/ Steven Dottheim

## MEMORANDUM

TO: Missouri Public Service Commission Official Case File,  
Case No. EN-2009-0015,  
File Nos. JE-2009-0013 (Electric) and YH-2009-0014 (Steam)  
Aquila, Inc. d/b/a KCP&L Greater Missouri Operations Company

FROM: James Watkins, Manager, Economic Analysis, Project Coordinator  
Mack McDuffey, Rate & Tariff Examiner II

/s/ James Watkins / 07-08-2008  
Project Coordinator/Date

/s/ Steven Dottheim / 07-08-2008  
General Counsel's Office/Date

SUBJECT: Staff Recommendation On Tariff Sheets Filed By Aquila, Inc. d/b/a Aquila Networks  
– L&P and Aquila, Inc. d/b/a Aquila Networks – MPS To Comply With 4 CSR 240-  
2.060(5) And The Commission's Report and Order Approving Merger in Case No.  
EM-2007-0374

DATE: July 7, 2008

On July 2, 2008, Aquila, Inc. and Great Plains Energy Incorporated (Joint Movants) initiated Case No. EN-2009-0015 by filing with the Commission four (4) tariff sheets under two (2) file numbers JE-2009-0013 (Electric) and YH-2009-0014 (Steam) with an issue date of July 2, 2008 and a proposed effective date of August 1, 2008. The Joint Movants also filed a Joint Motion For Expedited Treatment Of Application For Change Of Name (Motion).

On July 1, 2008, the Commission issued its Report and Order approving merger in Case No. EM-2007-0374 with an effective date of July 11, 2008. This Report and Order authorized, among other things, the merger of Aquila, Inc. with a subsidiary, Gregory Acquisition Corp., of Great Plains Energy Incorporated, with Aquila, Inc. becoming the surviving entity. Once the merger is consummated, Aquila, Inc. d/b/a Aquila Networks – L&P (Electric and Steam) and Aquila, Inc. d/b/a Aquila Networks – MPS (Electric) intends to begin doing business as "KCP&L Greater Missouri Operations Company."

Commission Rule 4 CSR 240-2.060(5) provides:

A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) Evidence of registration of the name change with the Missouri secretary of state; and

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

On July 2, 2008, Aquila, Inc. and Great Plains Energy Incorporated filed adoption notices clearly setting out both the old name and the new name and adopting the electric and steam tariffs of Aquila, Inc. currently on file with and approved by the Commission.

On July 14, 2008, the merger is scheduled to close and Aquila, Inc. will change its name to "Aquila, Inc. d/b/a KCP&L Greater Missouri Operations Company."

Aquila, Inc. intends to register with the Missouri Secretary of State to do business as KCP&L Greater Missouri Operations Company and will file evidence of such registration with the Commission as soon as possible as a late-filed exhibit, but prior to the granting of the authority sought under Commission Rule 4 CSR 240-2.060(2).

4 CSR 240-2.060(4) addresses applications for variances or waivers from Commission rules and tariff provisions, as well as statutory provisions which may be waived. 4 CSR 240-2.080(16) addresses motions for expedited treatment.

The Missouri Public Service Commission Energy - Tariff / Rate Design Staff (Staff) has reviewed the filed tariff sheets, and is of the opinion that they were timely filed and are in compliance with the Commission's Report and Order. The Joint Movants' providing evidence of the Missouri Secretary of State's registration of the name change will satisfy the remaining requirements of 4 CSR 240-2.060(5). Staff therefore recommends that the Commission **approve** the following proposed tariff sheets, as filed on July 2, 2008, to become effective on July 14, 2008 as requested in Aquila, Inc.'s Motion, with less than 30 days notice for good cause shown pursuant to Section 393.140(11) RSMo 2000, but only subsequent to the timely filing of evidence of registration of the name change by the Missouri Secretary of State. Staff would note the following language in the Joint Movants' Joint Motion For Expedited Treatment Of Application For Change Of Name.

. . . Although the failure of the Commission to grant this motion for expedited treatment or approve the name change application will not have a negative impact on customers or delay the closing date of the acquisition transaction, approval of this request will benefit Aquila Networks customers in so far as the name change will be consistent with other public messages customers will be receiving through news media about the completion of the acquisition. . . .

The tariff sheets filed by the Joint Movants are as follows:

Aquila, Inc. d/b/a KCP&L Greater Missouri Operations Company

P.S.C. MO. No. 1 (Electric)

Original Title Page

Original Sheet No. 0.1

P.S.C. MO. No. 1 (Steam)

Original Title Page

Original Sheet No. 0.1

The Staff has verified that the Joint Movants have filed their annual reports and are not delinquent on any assessment. Staff is aware of the Public Counsel's Motion For Extension Of Effective Date filed in Case No. EM-2007-0374 which may be contended to affect or be affected by this filing.

