

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

In the matter of Aquila, Inc. d/b/a/ Aquila )  
Networks-MPS and Aquila Networks- )  
L&P, for authority to file tariffs increasing ) Case No. ER-2004-0034  
electric rates for the service provided to )  
customers in the Aquila Networks-MPS )  
and Aquila Networks-L&P area )

In the matter of Aquila, Inc. d/b/a/ Aquila )  
Networks-L&P, for authority to file tariffs ) Case No. HR-2004-0024  
increasing steam rates for the service ) (Consolidated)  
provided to customers in the Aquila )  
Networks-L&P area )

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission, by counsel, and for its recommendation states:

1. On April 13, 2004 the Commission issued its **Order Approving Stipulation and Agreement** in which it approved the “Unanimous Stipulation and Agreement filed on March 16, 2004 . . . as a resolution of all issues in this case” and “. . . ordered the parties to comply with the terms of the Unanimous [Stipulation] and Agreement.”

2. Aquila, Inc. is authorized by this Commission to do business as Aquila Networks—MPS and Aquila Networks—L&P, separate divisions of Aquila, Inc. Aquila Networks—MPS provides electric service in Missouri. Aquila Networks—L&P provides both electric and steam service in Missouri. Each division has separate service areas and rates.

3. On April 14, 2004 Aquila, Inc. filed with the Commission tariff sheets in the form of the tariff sheets included with the Unanimous Stipulation and Agreement. As ordered by the Commission in its ordered paragraph 8, these tariff sheets bear an effective date of April 22,

2004. In the attached Memorandum (Appendix A), Staff recommends that the Commission issue an Order that both (1) approves the following proposed tariff sheets, as filed on April 14, 2004, to become effective on April 22:

Aquila Networks, P.S.C. MO. No. 1, Schedule of Electric Rates  
Aquila Networks, P.S.C. MO. No. 1, Schedule of Steam Rates

and (2) cancels Aquila's present electric and steam tariffs:

Aquila Networks – L&P, P.S.C. MO. No. 6  
Aquila Networks – MPS, P.S.C. MO. No. 2  
Aquila Networks – L&P, P.S.C. MO. No. 3.

5. The Missouri Public Service Commission Energy Department Staff has reviewed the tariff sheets Aquila, Inc. filed, and is of the opinion that they were filed in a timely manner and comply both with the Commission's Order Approving Stipulation and Agreement issued April 13, 2004 in Case No. ER-2004-0034 and the Unanimous Stipulation and Agreement filed March 16, 2004.

The Staff has verified that Aquila has filed its 2003 annual reports and is not delinquent on any assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing. The following electric and steam cases involving Aquila are pending before the Commission at this time:<sup>1</sup>

EF-94-97	EM-2000-292	EO-2002-384	EO-2003-0543
EO-2003-0566	ER-2004-0034	HR-2004-0024	

6. Section 393.140(11) RSMo 2000 requires that proposed changes to tariffs not go into effect with less than thirty (30) days' notice, unless the Commission determines otherwise for "good cause shown." Given that the Unanimous Stipulation and Agreement was filed with

---

<sup>1</sup> This company may provide other types of utility services in Missouri; however, only pending electric and steam cases are listed.

the Commission on March 16, 2004 with illustrative tariff sheets and, as ordered by the Commission, Aquila has filed proposed tariff sheets that are in the form of those illustrative tariff sheets with an effective date of April 22, 2004, the purpose of the thirty (30) days' notice requirement of section 393.140(11) RSMo 2000 has been accomplished. Good cause for shortening the thirty (30) day time period is found in the terms of the Unanimous Stipulation and Agreement which specifically provide, as a negotiated term, that the Commission is to, in its order approving the agreement, order Aquila to file tariff sheets in the form of the illustrative tariff sheets attached to the agreement. Further, the parties agreed to use their best efforts to have those tariff sheets in effect by April 15, 2004.

By ordering that "tariff sheets filed in the form of the tariff sheets attached to the Unanimous Stipulation and Agreement are to be filed with an effective date of April 22, 2004, the Commission has issued an order that shortened the thirty (30) days' notice requirement for good cause shown.

WHEREFORE, the Staff recommends that the Commission issue an order that both (1) approves the proposed tariff sheets—Aquila Networks, P.S.C. MO. No. 1, Schedule of Electric Rates and Aquila Networks, P.S.C. MO. No. 1, Schedule of Steam Rates, as filed on April 14, 2004, to become effective on April 22, 2004 and (2) cancels Aquila's present electric and steam tariffs—Aquila Networks – L&P, P.S.C. MO. No. 6, Aquila Networks – MPS, P.S.C. MO. No. 2 and Aquila Networks – L&P, P.S.C. MO. No. 3.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Nathan Williams

Nathan Williams  
Senior Counsel  
Missouri Bar No. 35512

Attorneys for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8702 (Telephone)  
(573) 751-9285 (Fax)  
e-mail: nathan.williams@psc.mo.gov

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronically mailed to all counsel of record, as shown on the attached service list, this 16<sup>th</sup> day of April 2004.

/s/ Nathan Williams

## MEMORANDUM

TO: Missouri Public Service Commission Official Case File  
Case Nos. ER-2004-0034 and HR-2004-0024 (consolidated)  
File Nos. YE-2004-1257 and YH-2004-1260  
Aquila, Inc., d/b/a Aquila Networks, Aquila Networks – L&P and  
Aquila Networks – MPS

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

/s/ James C. Watkins 04/16/04                      /s/ Steven Dottheim 04/16/04  
Project Coordinator/Date                      General Counsel's Office/Date

SUBJECT: Staff Recommendation For **Approval** Of Tariff Sheets Filed To Comply With The  
Commission's April 13, 2004 Order Approving Stipulation and Agreement

DATE: April 16, 2004

On April 14, 2004, Aquila, Inc., d/b/a Aquila Networks, Aquila Networks – L&P and Aquila Networks – MPS (Aquila) filed with the Commission one hundred ninety four (194) tariff sheets with an issue date of April 14, 2004 and a proposed effective date of April 22, 2004. These tariff sheets are designed to comply with the Commission's April 13, 2004 Order Approving Stipulation and Agreement (Order). The Order directed Aquila concerning tariff sheets in the following three ordered paragraphs:

6. That Aquila Inc., d/b/a Aquila Networks – MPS shall file tariff sheets in the form of the tariff sheets included with the Unanimous Stipulation and Agreement.
7. That Aquila, Inc. d/b/a Aquila Networks – L&P shall file tariff sheets in the form of the tariff sheets included with the Unanimous Stipulation and Agreement.
8. That the tariff sheets filed in the form of the tariff sheets attached to the Unanimous Stipulation and Agreement are to be filed with an effective date of April 22, 2004.

The Missouri Public Service Commission Energy Department 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 Order and the Unanimous Stipulation And Agreement. Staff therefore recommends that the Commission issue an order both (1) **approving** the following proposed tariffs, as filed on April 14, 2004, to become effective on April 22, 2004:

Aquila Networks, P.S.C. MO. No. 1, Schedule of Electric Rates  
Aquila Networks, P.S.C. MO. No. 1, Schedule of Steam Rates

and (2) **canceling** Aquila's present electric and steam tariffs, effective April 22, 2004:

Aquila Networks – L&P, P.S.C. MO. No. 6  
Aquila Networks – MPS, P.S.C. MO. No. 2  
Aquila Networks – L&P, P.S.C. MO. No. 3.

The Staff has verified that Aquila has filed its 2003 annual reports and is not delinquent on any assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing. The following electric and steam cases involving Aquila are pending before the Commission at this time:<sup>1</sup>

EF-94-97	EM-2000-292	EO-2002-384	EO-2003-0543
EO-2003-0566	ER-2004-0034	HR-2004-0024	

---

<sup>1</sup> This company may provide other types of utility services in Missouri; however, only pending electric and steam cases are listed.