

# 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 Public Convenience and Necessity Authorizing )  
it to Acquire, Construct, Install, Own, Operate, )  
Maintain, and Otherwise Control and Manage )  
Electrical Production and Related Facilities in )  
Certain Areas of Cass County, Missouri Near the )  
City of Peculiar. )

**Case No. EA-2009-0118**

## **ORDER SETTING DEADLINE FOR FILING A STIPULATION AND AGREEMENT**

Issue Date: November 17, 2008

Effective Date: November 17, 2008

On September 30, 2008,<sup>1</sup> Aquila, Inc. d/b/a KCP&L Greater Missouri Operations Company ("Aquila") filed an application with the Missouri Public Service Commission, pursuant to Section 393.170, 393.171, RSMo 2000,<sup>2</sup> 4 CSR 240-2.060 and 4 CSR 240-3.105(1)(B) requesting that the Commission grant it a Certificate of Convenience and Necessity ("CCN") for two facilities previously approved by the Commission; (a) the South Harper power plant and related infrastructure and (b) the Peculiar 345 kV substation recently annexed by the City of Peculiar, both of which are located in Cass County, Missouri. Dogwood Energy, L.L.C., the County of Cass, Missouri, and the Sedalia Industrial Energy Users' Association were granted intervention on October 21.

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<sup>1</sup> All dates throughout this order refer to the year 2008 unless otherwise noted.

<sup>2</sup> All statutory references are to the Missouri Revised Statutes (2000), as supplemented and amended, unless otherwise noted.

The Commission held a procedural conference on November 6, and, because no party had requested a hearing or identified a position contrary to the grant of the CCN, the Commission directed the parties to file a status report and any requests for a hearing no later than November 13. The parties jointly submitted the status indicating that, after the City of Peculiar makes a ruling on Aquila's Special Use Permit application, and after the parties conduct a brief period of discovery, they believe all material issues will be resolved by the execution of a stipulation and agreement. No party has requested an evidentiary hearing or a local public hearing in this matter.

Because the parties have represented that they believe a stipulation and agreement will be executed by the end of 2008 or in January of 2009, the Commission shall set a deadline for its filing. Alternatively, if the parties are unable to execute a stipulation and agreement, the Commission's Staff shall be directed to file a recommendation regarding Aquila's CCN application.

**THE COMMISSION ORDERS THAT:**

1. If the parties are able to execute a stipulation and agreement in this matter they shall file the stipulation and agreement no later than January 9, 2009.

2. If the parties are unable to execute a stipulation and agreement in this matter, the Staff of the Missouri Public Service Commission shall file a recommendation regarding Aquila, Inc. d/b/a KCP&L Greater Missouri Operations Company's application for a Certificate of Convenience. This recommendation, if required, shall be filed no later than January 16, 2009.

3. This order shall become effective immediate upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 17th day of November, 2008.