

**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	)	Case No. ER-2005-0436
in its MPS and L&P Missouri Service Areas.	)	

In the Matter of the Tariff Filing of Aquila,	)	
Inc., to Implement a General Rate Increase for	)	
Retail Steam Heat Service Provided to	)	Case No. HR-2005-0450
Customers in its L&P Missouri Service Area.	)	

**ORDER OF ISSUES, WITNESSES AND CROSS-EXAMINATION**

Comes now the Staff of the Missouri Public Service Commission (“Staff”) on behalf of the parties in the above-captioned cases and states:

1. On May 24, 2005 Aquila, Inc. filed with the Public Service Commission (“Commission”) tariff sheets designed to implement a general electric rate increase for service it provides to its Missouri customers in and about Kansas City and St. Joseph, Missouri under the names Aquila Networks—MPS and Aquila Networks—L&P, respectively. The Commission opened Case No. ER-2005-0436 to address that filing.

2. On May 27, 2004 Aquila, Inc. filed with the Commission tariff sheets designed to implement a general steam heat rate increase for service it provide to its Missouri customers in and about St. Joseph, Missouri under the name Aquila Networks—L&P. The Commission opened Case No. HR-2005-0450 to address that filing.

3. On July 21, 2005 the Commission issued orders in each of these cases in which it stated, “Each party shall file a list of witnesses to appear on each day of the hearing and the order in which they shall be called,” and, “The parties shall establish the order of cross-examination and file a joint pleading indicating the same.” The Commission, in ordered paragraph three (3),

fixed 4:00 p.m. December 14, 2005 as the time by which the foregoing is to be filed. On December 14, 2005 the Commission extended the time and date by which they are to be filed to 4:00 p.m. December 23, 2005.

4. The Parties to one or both of these proceedings are: Aquila, Inc. (“Aquila”), Staff of the Public Service Commission (“Staff”), The Office of the Public Counsel (“Public Counsel”), Sedalia Industrial Energy Users’ Association (“SIEUA”), AG Processing Inc. (“AGP”), the Federal Executive Agencies (“FEA”), AARP, the Missouri Department of Natural Resources (“DNR”), the City of Kansas City, Missouri (“Kansas City”), Calpine Central, LP (“Calpine”), the City of St. Joseph, Missouri (“St. Joseph”), and The Empire District Electric Company (“Empire”).

5. Based on the List of Issues filed by the Staff, with input from the foregoing parties, Aquila, the Staff and Public Counsel have assembled the order of witnesses and order of cross-examination for both cases set out below. To accommodate witnesses parties may request changes to the below schedule; however, while issues of witness convenience and availability were raised in creating the schedule, only where a specific proposal was made to change the schedule, no change was incorporated.

6. The Commission set aside approximately five (5) weeks (January 9 through February 10, 2006) to take evidence on the issues in these two cases. Based on the list of issues filed by the Staff, it appears the remaining contested issues should take no more than eleven (11) days to litigate. Furthermore, Aquila, and perhaps other parties, believes that if afforded the week of January 9 for settlement discussions without concurrently participating in evidentiary hearings on the matters being discussed, some matters now at issue may resolve thereby shortening the time needed for the hearing. Therefore, the parties agree to a hearing schedule

where at 9:00 a.m. January 9, 2006, the parties go on the record to enter appearances, mark exhibits and take up any outstanding matters and, thereafter, opening statements and presentation of evidence in the formal evidentiary hearing be continued to 9:00 a.m. Tuesday, January 17, 2006. This proposal allows a total of nineteen (19) days to hear opening statements and evidence in these cases, well in excess of what appears will be needed.

7. The Commission also ordered on July 21, 2005 the parties to file prehearing briefs on January 3, 2006. With the delay for opening statements and taking evidence proposed in the hearing schedule, on behalf of Aquila, Public Counsel, Staff, AGP, SIEUA, FEA, DNR and other parties, the Staff proposes the date for filing prehearing briefs in each case be extended to January 10, 2006.

8. Subject to the foregoing, the Staff submits the following:

#### **ORDER OF ISSUES AND WITNESSES**

##### **Monday, January 9, 2006 9:00 a.m.**

**Make Entries of Appearance**

**Mark Exhibits**

**Take Up Outstanding Matters**

**Recess until Tuesday, January 17, 2006**

##### **Tuesday, January 17, 2006 8:30 a.m.**

**Opening Statements**

Aquila

Staff

Public Counsel

SIEUA and AGP

FEA

AARP

DNR

Kansas City

Calpine

St. Joseph

Empire

**Policy**

Jon Empson (Aquila)

**20 West Ninth (Issues 10 & 19)**

Jon Empson (Aquila)  
Charles Hyneman (Staff)  
Ted Robertson (Public Counsel)

**Wednesday, January 18, 2006 8:30 a.m.**

**Low Income Weatherization Assistance/Demand Side Management (Issues 26 & 27)**

Matthew Daunis (Aquila)  
Anita Randolph (DNR)  
Robert Jackson (Kansas City)  
Lena Mantle (Staff)

**SERP (Issue 20)**

Phillip Beyer (Aquila)  
Charles Hyneman (Staff)

**FAS 106 Funding (Issues 22 & 23)**

Richard Winterman (Aquila)  
Steve Traxler (Staff)  
Ted Robertson (Public Counsel)  
David Effron (AARP)

**Thursday, January 19, 2006 8:30 a.m.**

**Coal Prices (Issue 16)**

Andrew Korte (Aquila)  
Graham Vesely (Staff)  
Cary Featherstone (Staff)  
Maurice Brubaker (AGP, SIEUA, FEA)

**South Harper AFUDC and Cost of Test Power (Issues 5.a. & 5.b.)**

H. Davis Rooney (Aquila)  
Cary Featherstone (Staff)  
Ted Robertson (Public Counsel)

**Corporate Restructuring (Issue 25)**

Dennis Williams (Aquila)  
Charles Hyneman (Staff)  
David Effron (AARP)

**Friday, January 20, 2006 8:30 a.m.**

**Accounts Receivable Program (Issue 9)**

Dennis Williams (Aquila)  
Phillip Williams (Staff)

**Accounting Authority Orders (“AAOs”) (Issue 6)**

Dennis Williams (Aquila)  
Phillip Williams (Staff)  
Ted Robertson (Public Counsel)

**Deferred Taxes on AAOs/Deferred Taxes (Issues 7 & 8)**

H. Davis Rooney (Aquila)  
Ron Klote (Aquila)  
Steve Traxler (Staff)  
Ted Robertson (OPC)  
David Effron (AARP)

**Monday, January 23, 2006 8:30 a.m.**

**South Harper Expenses (Chapter 100, etc.) (Issues 5.c., 24 & 24.(a., b. &c.))**

H. Davis Rooney (Aquila)  
Phillip Williams (Staff)  
Ted Robertson (Public Counsel)

**Cost of Turbines at South Harper/Exclusions (Issue 5.d and 5.f.)**

Nancy Heller Hughes (Aquila)  
Terry Hedrick (Aquila)  
Dennis Williams (Aquila)  
H. Davis Rooney (Aquila)  
Phillip Williams (Staff)  
Cary Featherstone (Staff)  
Ted Robertson (Public Counsel)  
Maurice Brubaker (SIEUA, FEA)  
Michael Blaha (Calpine)

**Tuesday, January 24, 2006 8:30 a.m.**

**L&P Transition Costs (Issue 21)**

H. Davis Rooney (Aquila)  
Charles Hyneman (Staff)  
Ted Robertson (Public Counsel)  
David Effron (AARP)

**Analysis of Fuel Options (Issue 34)**

Glenn Keefe (Aquila)  
Sharon Hennings (AGP, SIEUA, FEA)

**Reliability Issues (Steam) (Issues 30 & 31)**

Glenn Keefe (Aquila)

**Wednesday, January 25, 2006 8:30 a.m.**

**Rate-of-Return (Issues 1, 2 & 3)**

Sam Hadaway (Aquila)  
David Murray (Staff)  
Ben Johnson (Public Counsel)  
Michael Gorman (AGP, SIEUA, FEA)

**Thursday, January 26, 2006 8:30 a.m.**

**SO<sub>2</sub> Emissions Costs (Issues 11 & 12)**

Andrew Korte (Aquila)  
Graham Vesely (Staff)  
Ted Robertson (Public Counsel)

**Generation Resources (Issues 4 & 13)**

Andrew Korte (Aquila)  
Mike Apprill (Aquila)  
Jerry Boehm (Aquila)  
Robert Schallenberg (Staff)  
Lena Mantle (Staff)  
Cary Featherstone (Staff)  
Maurice Brubaker (SIEUA, FEA)

**What in South Harper costs in rate base, or in lieu thereof (Issues 5, & 5.e.)**

Andrew Korte (Aquila)  
Mike Apprill (Aquila)  
Jerry Boehm (Aquila)  
Robert Schallenberg (Staff)  
Lena Mantle (Staff)  
Cary Featherstone (Staff)  
Ted Robertson (Public Counsel)

**Friday, January 27, 2006 8:30 a.m.**

**Purchased Power and Spot Market Prices (Issues 14 & 15)**

Jerry Boehm (Aquila)  
Andrew Korte (Aquila)  
David Elliott (Staff)

**Natural Gas Prices (Issue 17)**

Jerry Boehm (Aquila)  
Andrew Korte (Aquila)  
Charles Hyneman (Staff)  
Maurice Brubaker (AGP, SIEUA, FEA)

**Inventoried Fuel Oil Prices (Issue 18)**

Andrew Korte (Aquila)  
Graham Vesely (Staff)

**Monday, January 30, 2006 8:30 a.m.**

**IEC (Issue 32)**

Dennis Williams (Aquila)  
Cary Featherstone (Staff)  
Charles Hyneman (Staff)  
Graham Vesely (Staff)  
Donald Johnstone (AGP)

**IEC Rate Design (Issue 33)**

**Tuesday, January 31, 2006 8:30 a.m.**

**Rate Design/Cost of Service (Issues 28 & 29)**

Gary Denny (Aquila)  
J. Matt Tracy (Aquila)  
James Watkins (Staff)  
James Busch (Staff)  
Barb Meisenheimer (Public Counsel)

**ORDER OF CROSS-EXAMINATION**

**Aquila witnesses**

Empire; DNR; St. Joseph; Kansas City; Calpine; FEA; AGP & SIEUA; Staff; Public Counsel, AARP

**Staff witnesses**

Empire; DNR; St. Joseph; Kansas City; Calpine; Public Counsel; AARP; FEA; AGP & SIEUA; Aquila

**Public Counsel witnesses**

Calpine; DNR; St. Joseph; Kansas City; Empire; AARP; FEA; AGP & SIEUA; Staff; Aquila

**City of Kansas City witnesses**

DNR; AARP; Empire; Calpine; St. Joseph; Public Counsel; AARP; FEA; AGP & SIEUA; Staff; Aquila

**AGP, SIEUA and FEA witnesses**

Empire; Calpine; AARP; Public Counsel; St. Joseph; Kansas City; DNR; Staff; Aquila;

**DNR witnesses**

Kansas City; AARP; Empire; Calpine; St. Joseph; Public Counsel; AARP; FEA; AGP & SIEUA; Staff; Aquila

**Calpine witnesses**

DNR; AARP; Empire; Kansas City; St. Joseph; AARP; FEA; AGP & SIEUA; Public Counsel; Staff; Aquila

**AARP witnesses**

DNR; Kansas City; Empire; Calpine; St. Joseph; Public Counsel: AARP; FEA; AGP & SIEUA;  
Staff; Aquila

**WHEREFORE**, on behalf of the parties, the Staff submits the foregoing order of issues, order of witnesses and order of cross-examination for both Case Nos. ER-2005-0436 and HR-2005-0450, and requests the Commission extend the date by which prehearing briefs are due in each case from January 3, 2006 to January 10, 2006.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Nathan Williams

Nathan Williams  
Senior Counsel  
Missouri Bar No. 35512

Attorney 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)  
nathan.williams@psc.mo.gov

**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 23<sup>rd</sup> day of December 2005.

/s/ Nathan Williams