

1. If a Fuel Adjustment Clause ("FAC") or an Interim Energy Charge ("IEC") is authorized in this proceeding, Aquila agrees to complete the proposed heat rate and/or efficiency schedule and testing plan with written procedures, as described in 4 CSR 240-3.161(2)(P). The proposed schedule and plan with written procedures must be acceptable to the non-Aquila parties to ER-2007-0004.
2. If the Commission approves an FAC in this proceeding, Aquila agrees to complete the action described in paragraph 1 above, at least sixty (60) days before the effective date listed on the tariff for Aquila's initial FAC filing for the purpose of adjusting an FAC rate pursuant to 4 CSR 240-3.161(7) and 4 CSR 240-20.090(4). Alternatively, if the Commission approves an IEC in this proceeding, Aquila agrees to complete the action described in paragraph 1 above prior to Aquila's filing of its initial application for a true-up of the IEC pursuant to 4 CSR 240-20.090(5)(C).
3. If Aquila fails to complete the action described in paragraph 1 above, in conformance with the applicable deadline described in paragraph 2 above, the non-Aquila parties to ER-2007-0004 may jointly or severally recommend that the Commission reject Aquila's initial FAC adjustment filing or, as the case may be, Aquila's filing of its initial application for a true-up of the IEC.

Staff Exhibit No. 242
Case No(s). ER-2007-0004
Date 4-12-07 Rptr KF

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