

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Trigen-Kansas City Energy)	
Corporation's Application for a Finding of No)	
Jurisdiction or, in the Alternative, for Grant of)	<u>Case No. HO-2007-0419</u>
Authority for the Transfer or Sale of a Contract)	
Currently Owned by Trigen-Kansas City)	
Energy Corporation to Affiliate or Third Party.)	

ORDER GRANTING EXTENSION OF TIME TO FILE RESPONSE
AND ORDER DIRECTING FILING

Issue Date: July 27, 2007

Effective Date: July 27, 2007

On June 1, 2007, the Staff of the Missouri Public Service Commission filed a response to an order of the Commission out of time. Staff requested that it be excused from the late filing and that the Commission accept its response and recommendation. No objection to the extension of time was filed. The Commission will grant the extension of time and accepts the response of Staff.

In its response, Staff argued that the Commission could exercise jurisdiction over the transfer of assets as proposed by Trigen-Kansas City Energy Corporation. Staff specifically stated, "[i]f Trigen is intending to seek ratemaking treatment for its disposition of the Coal Contract, . . . then the Commission clearly should not decline jurisdiction respecting the disposition of the Coal Contract."

On June 5, 2007, Trigen filed a reply to Staff's response. Trigen declared that it "affirms the prior representations of Mr. Kirk and unequivocally states for the record that it

will not seek recovery from its Missouri regulated operations customers of its investment in the Ricci Mine 19 coal reclamation project.”

Staff’s argument in favor of jurisdiction appears to be contingent upon Trigen’s intent to seek ratemaking treatment. Trigen has now clarified its intent with regard to the ratemaking treatment, or lack thereof, to be given to the coal contract. Thus, the Commission would be aided by a further response from Staff clarifying its position. Specifically, the Commission requests Staff to state whether the averments in Trigen’s reply have altered the position of Staff.

IT IS ORDERED THAT:

1. The request of the Staff of the Missouri Public Service Commission for leave to late-file its response is granted.
2. No later than August 3, 2007, the Staff of the Missouri Public Service Commission is directed to file a further response as set out above.
3. This order shall become effective on July 27, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of July, 2007.