

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

In the Matter of the Consideration of Adoption	)	
of the PURPA Section 111(d)(13) Fossil Fuel	)	
Generation Efficiency Standard as Required by	)	Case No. EO-2006-0495
Section 1251 of the Energy Policy Act of 2005	)	

**RESPONSE OF AQUILA, INC., TO
ORDER DIRECTING FILING**

Aquila, Inc. ("Aquila"), by its undersigned counsel and pursuant to the Missouri Public Service Commission's ("Commission") August 17, 2006, Order Sustaining Motion for Late Filing of Procedural Schedule, Setting Technical Conference, and Directing Filing, hereby submits the following responses to the questions posed in that order.

- a) *Can this case be closed based on "prior state actions" as provided in Section 1251 (b)(3) of the Act [16 U.S.C. 2622(d)], and why or why not?*

Although they do not explicitly require Missouri electric utilities to have a fossil fuel efficiency improvement plan, the Commission's existing rules regarding integrated resource planning, 4 CSR 240-22.060, require consideration of plans to achieve greater efficiency at fossil fuel plants. This may or may not be sufficient to warrant closing this case based on "prior state action."

- b) *Can this case be consolidated with any, some, or all of the following cases – EO-2006-0493, EO-2006-0494, EO-2006-0496, and EO-2006-0497 – because the issues addressed in one or more of these cases are similar, and why or why not?*

If the Commission decides that this case cannot be closed, it can and should be consolidated with Case No. EO-2006-0494. Standards related to generation efficiency and fuel sources are interrelated as both potentially impact integrated resource planning for Missouri electric utilities.

- c) *What type of proceeding (e.g., rulemaking, rate case implementation, etc.) should the Commission use to address the issues in this case in order to meet the Public Utility Regulatory Policies Act of 1978 ("PURPA") section 111(a) and 111(b) "consideration and determination" requirements [16 U.S.C. 2621(a), 2621(b)] and why?*

Aquila believes roundtable discussions are the best starting point for determining how best to deal with issues related to fossil fuel generation efficiency. Through this process all interested parties can express their views and perhaps achieve consensus as to whether these issues can best be addressed generically, through rulemaking, or on a company-by-company or case-by-case basis.

Respectfully submitted,

L. Russell Mitten MBE #27881
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166 voice
(573) 635-3847 facsimile
Email: rmitten@brydonlaw.com

ATTORNEYS FOR AQUILA, INC.

Certificate of Service

The undersigned hereby certifies that a true copy of the foregoing document was served upon the following by electronic mail, facsimile or U.S. mail, postage prepaid, this 15th day of September, 2006:

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Fax: 573-751-1928
GenCounsel@psc.mo.gov

Mills Lewis
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
Fax: 573-751-1556
opcservice@ded.mo.gov

Frey Dennis
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Denny.Frey@psc.mo.gov

Woodsmall David
AG Processing, Inc
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65102
Fax: 573-635-5699
dwoodsmall@fcplaw.com

Conrad W Stuart
AG Processing, Inc
3100 Broadway, Suite 1209
Kansas City, MO 64111
Fax: 816-756-6037
stucon@fcplaw.com

Kurtz M David
AmerenUE
111 S. Ninth St., Suite 200
P.O. Box 918
Columbia, MO 65205-0918
Fax: 573-442-2668
kurtz@smithlewis.com

Lowery B James
AmerenUE
111 South Ninth St., Suite 200
P.O. Box 918
Columbia, MO 65202-0918
Fax: 573-448-8668
lowery@smithlewis.com

Byrne M Thomas
AmerenUE
1901 Chouteau Avenue
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166-6149
Fax: 314-554-4401
tbyrne@ameren.com

Mitten L Russell
Aquila Networks
312 E. Capitol Ave
P.O. Box 456
Jefferson City, MO 65102
Fax: 573-635-5384
rmitten@brydonlaw.com

Robertson B Henry
Audubon Missouri
705 Olive Street
Suite 614
St. Louis, MO 63101
Fax: nul-l
hrobertson@greatriverslaw.org

Henry G Kathleen
Audubon Missouri
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: 314-231-1418
khenry@greatriverslaw.org

Henry Kathleen
Concerned Citizens of Platte County
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: 314-231-1418
khenry@greatriverslaw.org

Robertson B Henry
Concerned Citizens of Platte County
705 Olive Street
Suite 614

Mitten L Russell
Empire District Electric Company, The
312 E. Capitol Ave
P.O. Box 456

Robertson B Henry
Heartland Renewable Energy Society
705 Olive Street
Suite 614

St. Louis, MO 63101
Fax: nul-l
hrobertson@greatriverslaw.org

Jefferson City, MO 65102
Fax: 573-635-5384
rmitten@brydonlaw.com

St. Louis, MO 63101
Fax: nul-l
hrobertson@greatriverslaw.org

Henry G Kathleen
Heartland Renewable Energy Society
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: 314-231-1418
khenry@greatriverslaw.org

Fischer M James
Kansas City Power & Light Company
101 Madison--Suite 400
Jefferson City, MO 65101
Fax: 573-636-6038
jfischerpc@aol.com

Blanc D Curtis
Kansas City Power & Light Company
1201 Walnut, 20th Floor
Kansas City, MO 64106
Fax: 816-556-6278
Curtis.Blanc@kcpl.com

Robertson B Henry
Mid-Missouri Peaceworks
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: nul-l
hrobertson@greatriverslaw.org

Henry G Kathleen
Mid-Missouri Peaceworks
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: 314-231-1418
khenry@greatriverslaw.org

Woods Shelley
Missouri Department of Natural
Resources
P.O. Box 899
Jefferson City, MO 65102-0899
shelley.woods@ago.mo.gov

Vuylsteke M Diana
Missouri Industrial Energy Consumers
211 N. Broadway, Suite 3600
St. Louis, MO 63102
Fax: 314-259-9202
dmvuylsteke@bryancave.com

Robertson B Henry
Ozark Energy Services
705 Olive Street
Suite 614
St. Louis, MO 63101
Fax: nul-l
hrobertson@greatriverslaw.org

Henry G Kathleen
Ozark Energy Services
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: 314-231-1418
khenry@greatriverslaw.org

Woodsmall David
Praxair, Inc.
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65102
Fax: 573-635-5699
dwoodsmall@fcplaw.com

Conrad W Stuart
Praxair, Inc.
3100 Broadway, Suite 1209
Kansas City, MO 64111
Fax: 816-756-6037
stucon@fcplaw.com

Woodsmall David
Sedalia Industrial Energy Users
Association
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65102
Fax: 573-635-5699
dwoodsmall@fcplaw.com

Conrad W Stuart
Sedalia Industrial Energy Users
Association
3100 Broadway, Suite 1209
Kansas City, MO 64111
Fax: 816-756-6037
stucon@fcplaw.com

Robertson B Henry
Sierra Club
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: nul-l
hrobertson@greatriverslaw.org

Henry G Kathleen
Sierra Club
705 Olive Street, Suite 614
St. Louis, MO 63101
Fax: 314-231-1418
khenry@greatriverslaw.org

/s/

L. Russell Mitten