

**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)	Case No. ER-2005-0436
Retail Electric Service Provided to Customers)	
In its MPS and L&P Missouri Service Areas)	

MOTION

COMES NOW Aquila, Inc. ("Aquila"), by counsel, and for its Motion, respectfully states to the Missouri Public Service Commission (the "Commission") as follows:

1. On July 15, 2005, Parties to this proceeding, as of that date, filed with the Commission a Proposed Procedural Schedule in the captioned-matter. Included was an agreement among those Parties that data requests propounded to a party would be provided to all other parties.

2. By its Order issued July 21, 2005, effective that same date, the Commission adopted the Proposed Procedural Schedule and directed, in paragraph (C) on page 8, that the Parties provide a copy of each data request propounded to every other Party.

3. Thereafter, by its Order Granting Intervention issued and effective on July 22, 2005, the Commission granted the Application to Intervene filed by Calpine Central LP ("Calpine"). Recognizing, however, that Calpine's intervention in this proceeding and access to sensitive information about Aquila's operations and plans would give Calpine a competitive advantage, the Commission, by said Order, allowed Aquila to suggest changes to the

Commission's standard protective order that would preclude access to, and misuse of, such information.

4. Aquila does not believe that a modification of the Commission's standard protective order would necessarily resolve the concerns raised by Calpine's intervention. Aquila does believe, however, that **because Calpine is an independent power producer and merchant of electric power and is expected to respond to Aquila's Request for Proposals ("RFP") in connection with Aquila's future power needs, the concerns should be addressed by conditioning Calpine's participation in this case.** In this regard, it would be appropriate for the Commission to issue its Order imposing the following conditions with respect to Calpines' intervention in this proceeding and access to information concerning Aquila's business and operations:

- Because Calpine is expected to be a bidder and respond to Aquila's RFP for purchased power, Calpine not be afforded any access to information concerning Aquila's finances, current or future system requirements and fuel matters.
- Because the data requests submitted to Aquila, on occasion, contain Highly Confidential or Proprietary information, that the Non-Calpine parties be directed not to provide to Calpine a copy of data requests propounded to other parties.
- Because Aquila's responses to data requests, on occasion, contain Highly Confidential or Proprietary information, that Calpine not have

access to the responses which Aquila provides to data requests propounded by the Non-Calpine parties.

- That Calpine discovery be limited to and directed to Aquila and not to any other party.

WHEREFORE, Aquila moves for the relief stated in paragraph 4, supra.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, hand delivery, or electronic transmission, on this 10TH day of August, 2005, to all counsel of record.

