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July 21, 2008

## Via e-mail

Nancy Dippell, Regulatory Law Judge  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

Re: Case No. EO-2008-0415

Dear Judge Dippell:

This letter, which I have also filed in the docket in the above-referenced case, seeks clarification respecting the Order Directing Notice and Setting Intervention Date issued on July 9, 2008. Although I am sure you were not aware of it, this letter is essentially identical to a letter I directed to Judge Woodruff (and filed in the docket) regarding Aquila's last fuel adjustment clause adjustment filing, Case No. EO-2008-0216.

Commission Rule 4 CSR 240-3.161(10) provides as follows: "[a] person or entity granted intervention in a general rate proceeding in which a RAM is approved by the commission, shall be a party to any subsequent related periodic rate adjustment proceeding, annual true-up or prudence review, without the necessity of applying for intervention."

My client, Union Electric Company d/b/a AmerenUE was an intervenor in the underlying general rate proceeding (Case No. ER-2007-0003) establishing Aquila, Inc.'s fuel adjustment clause (FAC) (a/k/a its "RAM").

The purpose of this letter is to confirm that AmerenUE is in fact a party to Case No. EO-2008-0415, without applying for intervention and without a Commission order granting intervention, in accordance with 4 CSR 240-3.161(10). I would suggest that a clarification of the above-referenced July 9 Order for the benefit of all parties to Aquila's underlying rate case might be helpful. I would note that Judge Woodruff issued such a clarification (attached) in Case No. EO-2008-0216.

Nancy Dippell  
July 21, 2008  
Page 2

Thank you for your consideration of this request for clarification.

Sincerely,

**/s/ James B. Lowery**

James B. Lowery  
Attorney for AmerenUE

cc: Case File, Case No. EO-2008-0415  
Service List, Case No. EO-2008-0415 (via e-mail)

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January 8, 2008

**Via e-mail**

Morris. L. Woodruff, Deputy Chief Regulatory Law Judge  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

Re: Case No. EO-2008-0216

Dear Judge Woodruff:

This letter, which I have also filed in the docket in the above-referenced case, seeks clarification respecting the Order Directing Notice and Setting Intervention Date issued on January 3, 2008.

Commission Rule 4 CSR 240-3.161(10) provides as follows: “[a] person or entity granted intervention in a general rate proceeding in which a RAM is approved by the commission, shall be a party to any subsequent related periodic rate adjustment proceeding, annual true-up or prudence review, without the necessity of applying for intervention.”

My client, Union Electric Company d/b/a AmerenUE was an intervenor in the underlying general rate proceeding establishing Aquila, Inc.’s fuel adjustment clause (FAC) (a/k/a its “RAM”).

The purpose of this letter is to confirm that AmerenUE is in fact a party to Case No. EO-2008-0216, without applying for intervention and without a Commission order granting intervention, in accordance with 4 CSR 240-3.161(10). I would suggest that a clarification of the above-referenced January 3 Order for the benefit of all parties to Aquila’s underlying rate case might be helpful.

Thank you for your consideration of this request for clarification.

Sincerely,

/s/ **James B. Lowery**

James B. Lowery  
Attorney for AmerenUE

cc: Case File, Case No. EO-2008-0216  
Service List, Case No. ER-2007-0003 (via e-mail)

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

In the Matter of Aquila, Inc., d/b/a Aquila	)	
Networks – MPS and Aquila Networks – L&P for	)	
Authority to Implement Rate Adjustments Required	)	<b><u>Case No. EO-2008-0216</u></b>
By 4 CSR 240-20.090(4) and the Company's	)	Tariff No. YE-2008-0402
Approved Fuel and Purchased Power Cost	)	
Recovery Mechanism	)	

**NOTICE REGARDING INTERVENTION OF PARTIES FROM AQUILA'S**  
**LAST GENERAL RATE PROCEEDING**

Issue Date: January 8, 2008

On December 28, 2007, Aquila, Inc. filed a tariff to establish rate schedules to adjust charges related to Aquila's approved Fuel Adjustment Clause (FAC). The Commission issued notice of the tariff filing to the public and to the parties in ER-2007-0004, which was the rate case in which the Commission authorized Aquila's FAC. In that order, the Commission established January 22 as the deadline for the filing of applications to intervene.

On January 8, 2008, counsel for AmerenUE filed a letter pointing out that Commission Rule 4 CSR 240-3.161(10) provides that the parties in the general rate proceeding in which an FAC was authorized are automatically parties to any subsequent related rate adjustment, without the necessity of applying for intervention. Counsel asked the Commission to clarify whether it expects such parties to apply to intervene in light of the provisions of the regulation.

As the parties to Case Number ER-200-0004 are already parties to this case by

operation of the Commission's rule, they do not need to apply to intervene. The Commission's data center shall add those parties to the service list for this case.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

(S E A L)

Dated at Jefferson City, Missouri,  
on this 8<sup>th</sup> day of January, 2008.

Woodruff, Deputy Chief Regulatory Law Judge