

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

|                                                |   |                       |
|------------------------------------------------|---|-----------------------|
| In the Matter of the Consideration of Adoption | ) |                       |
| of the PURPA Section 111(d)(14) Time-Based     | ) |                       |
| Metering and Communications Standard as        | ) | Case No. EO-2006-0496 |
| Required by 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?*

Aquila believes this case can be closed because various of the company's tariffs already make time-based rates available to all of Aquila Network's customers.

- b) *Can this case be consolidated with any, some, or all of the following cases – EO-2006-0493, EO-2006-0494, EO-2006-0495, and EO-2006-0497 – because the issues addressed in one or more of these cases are similar, and why or why not?*

Because Aquila believes this case can be closed based on "prior state actions," the issue of consolidation with other cases is moot.

- 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?*

Because Aquila believes this case can be closed based on "prior state actions," the issue of how best to proceed is moot.

Respectfully submitted,

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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 15<sup>th</sup> day of September, 2006:

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