

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

In the Matter of the Application of Aquila,)
Inc. for Permission and Approval and a)
Certificate of Public Convenience and)
Necessity Authorizing it to Acquire,)
Construct, Install, Own, Operate, Maintain,)
and otherwise Control and Manage)
Electrical Production and Related Facilities)
in Unincorporated Areas of Cass County,)
Missouri Near the Town of Peculiar)

Case No. EA-2006-0309

**STAFF'S RESPONSES TO THE COMMISSION'S ORDER
DIRECTING NOTICE AND ESTABLISHING TIME FOR RESPONSES
AND TO
THE OFFICE OF THE PUBLIC COUNSEL'S MOTION FOR
RECONSIDERATION**

COMES NOW the Staff of the Commission and for its responses to the Commission's Order Directing Notice and Establishing Time for Responses and to the Office of the Public Counsel's Motion for Reconsideration states:

1. On January 25, 2006, Aquila, Inc. filed an application asking the Commission to grant it a certificate of convenience and necessity for the South Harper generating facility and associated substation.
2. On January 26, the Commission issued its Order and Notice in which it established February 27 as the deadline for seeking intervention.
3. On February 15, Aquila filed its Motion to Set Early Prehearing Conference, To Establish Procedural Schedule and for Issuance of Protective Order (February 15 Motion) in which it asked for, among other things, an expedited procedural schedule.

4. Staff's response at this time is preliminary in that it is likely that there will be intervenors in the case who will wish to comment on, among other things, the proposed procedural schedule. As further explained below the Staff recommends the Commission extend the time for response to Aquila's February 15, 2006 Motion from February 22, 2006 to February 27, 2006, so that intervenors will have a deadline for responding to the motion, and set an early prehearing conference on or after February 28, 2006.

5. On February 16, the Commission set a deadline of February 22 for responses to Aquila's February 15 motion. Staff agrees with Office of the Public Counsel's request that the Commission extend the deadline for response to Aquila's February 15 Motion, that the Commission issue its Order setting an early prehearing conference and establish a deadline of no more than one week after the early prehearing conference to respond to Aquila's February 15 Motion. This would establish a time by which will permit all parties in the case to respond to Aquila's February 15 Motion.

6. Staff agrees with Public Counsel's comment that it is reasonable to schedule an early prehearing conference. A prehearing conference, set soon after the end of the intervention period, on or after February 28, would permit all parties to the case to discuss Aquila's proposed expedited procedural schedule and any other issues in the case, and would also allow for prompt responses to the February 15 Motion.

7. Staff has developed a preliminary response to the proposed procedural schedule, as is shown below. However, Staff still recommends that the schedule be discussed by all parties to the case at a prehearing conference prior to adoption of any schedule by the Commission.

STAFF’S PROPOSED SCHEDULE

Aquila Direct (already filed)	January 25, 2006
Intervention Deadline (set by Commission)	February 27
Prehearing Conference for Procedural Schedule	March 3
Public Hearing	Week of March 13
Rebuttal Testimony	March 31
Prehearing Conference / List Of Issues	April 7
Surrebuttal & Cross-Surrebuttal	April 14
Prehearing Briefs	April 21
Hearing & Closing Arguments	April 26-28
End Date Set By Judge Dandurand	May 31

8. It would be helpful to the parties to know what the Commission needs in terms of time to deliberate after the hearing and whether the Commission would like to have closing arguments or post-hearing briefs or, perhaps, proposed findings of fact and conclusions of law instead of post-hearing briefs.

WHEREFORE Staff respectfully suggests that the Commission establish an early prehearing conference soon after the intervention period has passed so that all interested parties may discuss the issues raised in the February 15 Motion; that the Commission indicate the post-hearing process it requires; and the amount of time necessary for deliberation and that the Commission require response to Aquila’s February 15 Motion no more than a week after the prehearing conference.

Respectfully submitted,

/s/ Lera L. Shemwell

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 22nd day of February 2006.

/s/ Lera L. Shemwell