

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
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)
Distribution Substation And Related)
Facilities in Cass County, Missouri)
(Near the City Of Peculiar).)

Case No. EA-2008-0279

MOTION FOR EXPEDITED TREATMENT

COMES NOW Aquila, Inc., (hereinafter "Aquila" or "Company"), pursuant to Commission Rule 4 CSR 240-2.080 (16), and for its Motion for Expedited Treatment of the captioned case, states the following:

1. On February 22, 2008, Aquila filed an Application for a certificate of convenience and necessity ("Certificate") to construct, install, own, operate, maintain and otherwise control and manage an electric distribution substation in Cass County, near the City of Peculiar, Missouri (the "Peculiar II Substation"). For the reasons set forth below, Aquila is requesting that the Commission issue an order granting Aquila's Application by April 1, 2008, bearing an effective date of no later than April 10, 2008.

2. This motion was filed as quickly as possible after the filing of Aquila's Application.

3. The Peculiar II Substation will be a new 161kV substation to replace an old and overloaded existing 69kV substation built in 1971, located

at 9707 East Street, Route YY west of Harper Street, which is the same tract of land on which the existing substation is located.¹ The new facilities will bring several benefits, including improved system reliability, increased service capacity for existing and expected growth, and reduce the need for additional electric lines from the existing substation so it can deliver power to its customers safely, efficiently and reliably. Aquila's budgeting, engineering and construction timelines for the Peculiar II Substation have been developed to execute an in-service date of June 2008. As explained in great detail in Aquila's application, this distribution substation is a critical asset and much-needed to serve increasing load demand in this area.

4. Since the *StopAquila.org v. Aquila, Inc.*, 180 S.W.3d 24 (Mo. App. W.D. 2005) case, Aquila has filed and the Commission has approved several site specific applications for Aquila to construct and operate new substations in its certificated service areas. *StopAquila.org* created uncertainty as to whether site specific approval is required for new substation construction projects or whether a general certificate of convenience and necessity is sufficient authority for Aquila to construct and operate new substations in its certificated service areas. On October 9, 2006, Aquila, the Staff, and the Office of the Public Counsel entered into a Stipulation and Agreement ("Agreement"), agreeing to make Case No. EA-2007-0245, the Cole Camp Substation, a "test case" so that the parties could

¹ For clarification, this is not the same substation that is subject to the *Cass County, Missouri v. Aquila, Inc.* case currently pending before the Missouri Court of Appeals-Western District.

seek clarification from the court of appeals regarding the uncertainty created by the *StopAquila.org* case. According to the agreement, the Staff and Public Counsel believe the holding in *StopAquila.org* does not require Aquila to seek a site specific certificate of convenience and necessity from the Commission to construct and operate electrical substations. Aquila, however, interpreted the *StopAquila.org* holding as new binding precedent requiring additional approval from the Commission for Aquila to construct and operate new electric substations.

5. The Commission dismissed Case No. EA-2007-0245 on August 28, 2007, on the basis that Aquila, through a certificate of convenience and necessity issued in 1938, already had sufficient authority to construct and operate the Cole Camp substation. In compliance with the Agreement, Aquila filed a petition for review in the Circuit Court of Cole County, and that appeal is currently pending, but exhausting the appellate process in order to seek a final decision will take several more months. Because of the need for the expedited construction of the Peculiar II Substation, Aquila is requesting that the Commission exercise its discretion and issue certificates of convenience and necessity under §393.170.1 RSMo authorizing Aquila to construct and operate the Peculiar II Substation.

WHEREFORE, for the reasons aforesaid, Aquila requests the Commission issue an order granting expedited treatment of its Application in this case and that it issue an order approving the Certificate requested bearing an effective date of no later than April 10, 2008

Respectfully submitted,

/s/ Renee Parsons

Renee Parsons, MO #48935
Aquila, Inc.
20 West Ninth Street
Kansas City, MO 64105
Phone: (816) 467-3297
Fax: (816) 467-9297
Renee.parsons@aquila.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail and electronic mail, on the 22nd day of February, 2008, to the following:

General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360

Office of the Public Counsel
Governor Office Building
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230