

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of Aquila,)	
Inc., d/b/a Aquila Networks - MPS and Aquila)	Case No. EO-2008-0046
Networks - L&P for Authority to Transfer)	
Operational Control of Certain Transmission)	
Assets to the Midwest Independent Transmission)	
System Operator, Inc.)	

**DOGWOOD ENERGY, LLC'S RESPONSE TO COMMISSION'S ORDER
DIRECTING PARTIES TO RESPOND**

COMES NOW Dogwood Energy, LLC ("Dogwood") pursuant to 4 CSR 240-2.080 and for its Response to the Commission's Order Directing Parties to Respond issued January 9, 2008, states to the Commission:

1. On January 7, 2008, Dogwood filed its Opposition to MISO's Motion for Leave to File Supplemental Rebuttal Testimony wherein Dogwood objected to the late filing of MISO's Supplemental Rebuttal Testimony, absent a change in the Commission's procedural schedule.

2. Also, on January 7, 2008, Staff filed its Response to MISO's Motion for Leave to File Supplemental Rebuttal Testimony and its own Motion to Modify Procedural Schedule.

3. Staff's Motion to Modify Procedural Schedule proposed the following as the new procedural schedule:

<u>EVENT</u>	<u>PROPOSED DATE</u>
Surrebuttal & Cross-Surrebuttal Testimony – all parties	Feb. 22, 2008 – Friday
Prehearing Conference	Mar. 3, 2008 – Monday 10:00 a.m.
Joint Stipulation of Facts, List of Issues, Order of Witnesses & Order of	Mar. 7, 2008 – Friday

Cross-Examination	
Position Statements, Exhibit Lists & Objections To Prefiled Testimony	Mar. 18, 2008 – Friday
Evidentiary Hearing (Commission’s Offices in Jefferson City)	Apr. 14-16, 2008 10:00 a.m. first day, 8:30 a.m. thereafter

Staff also proposed shortening the time for objecting to discovery requests from the normal ten days to five business days; Staff also proposed shortening the time to respond to discovery requests from the usual twenty days to ten days.

4. On January 9, 2008, the Commission issued its Order Directing Parties to Respond wherein it ordered the parties to file a pleading by January 11, 2008 indicating whether or not they support Staff’s proposed modified procedural schedule.

5. Dogwood supports Staff’s proposed procedural schedule, however, Dogwood does not support shortening the timelines for objection and response to discovery requests. The Commission has established its rules for Discovery (4 CSR 240-2.090(2)) for good reason and has provided a mechanism for modifying the established discovery timelines “for good cause shown”. Staff’s Motion does not state any good cause to shorten the established discovery timelines and therefore on the surface, should be denied. Dogwood would further note that the proposed modified procedural schedule will provide ample time for the parties to comply with discovery on the standard timelines. As other parties have observed, the issues in this case are complex. Shortening the discovery timelines would be very prejudicial to Dogwood and the other parties. Furthermore, it will well serve the Commission at the evidentiary hearing to have allowed the parties adequate time to pursue discovery.

WHEREFORE, Dogwood recommends that the Commission adopt Staff's proposed procedural schedule but not adopt Staff's request to shorten the discovery timeline.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 11th day of January, 2008, by either placing same in the U.S. Mail, postage paid, by fax or email transmission.

/s/ Carl J. Lumley

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