

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

In the Matter of Proposed Rulemaking )  
Concerning Applications for Certificates )  
of Convenience and Necessity. )

Case No. EX-2003-0366

**STATUS REPORT**

Comes now the Staff of the Missouri Public Service Commission (Staff) and files the instant Staff Status Report in response to the Orders of the Missouri Public Service Commission. The Staff states in response as follows:

1. Although the Staff continues to believe that improvements to the present Commission rule 4 CSR 240-3.105 are advisable, the Staff also continues to believe that there are certain actions pending which make it prudent to delay taking any present action. In particular, the most significant item pending is certain further judicial review of the Commission's Report And Order in Case No. EA-2006-0309 respecting Aquila, Inc.'s South Harper combustion turbines generating facility. Further, as indicated in the Stipulations And Agreements which the Commission approved in Case Nos. EA-2005-0499 and EA-2006-0500, Aquila, Inc. is to file with the Commission soon an application for a certificate of convenience and necessity to build a substation, in part for the purpose of obtaining a clear judicial determination of whether such a certificate is required when the substation is to be built within Aquila's certificated service area. Among other things, also occurring are the continuation of the first round of Chapter 22 Electric Utility Resource Planning compliance filings since the expiration of the variances granted by the Commission in 1999 from the Chapter 22 rules and the possible revision of Chapter 22 itself. In addition, various other pending cases have the relevant Staff members fully occupied. The improvements that the Staff would recommend for the

present Commission rule 4 CSR 240-3.105 can otherwise be addressed by the Staff in the interim.

2. Therefore, the Staff recommends that action in the instant case be further held in abeyance or the case be dismissed without prejudice and the Staff be directed to file a new Motion For Finding Of Necessity For Rulemaking when appropriate.

3. The undersigned counsel apologizes to the Regulatory Law Judge and Commissioners for the inconvenience that the delay in filing the instant Status Report has caused.

Wherefore the Staff submits the instant Status Report recommending that action in the instant case be further held in abeyance or the case be dismissed without prejudice and the Staff be directed to file a new Motion For Finding Of Necessity For Rulemaking when appropriate.

Respectfully submitted,

**/s/ Steven Dottheim**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed first class postage prepaid, hand-delivered or electronically transmitted to all counsel of record as shown on the attached service list this 15th day of November 2006.

**/s/ Steven Dottheim**