

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-035E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY AQUILA, INC., DOING BUSINESS AS AQUILA NETWORKS-WPC, WITH ADVICE NO. 588.

**ORDER SUSPENDING EFFECTIVE DATE
OF TARIFFS AND NOTICE OF HEARING**

Mailed Date: January 27, 2004
Adopted Date: January 21, 2004

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On December 29, 2003, Aquila, Inc., doing business as Aquila Networks-WPC (Aquila or Company), filed Advice Letter No. 588 (attached as Exhibit 1).

2. Aquila states that this filing is made pursuant to a settlement agreement reached in Aquila's last rate case (*see* Decision No. C03-0697, Docket No. 02S-594E). The purpose is to implement a General Rate Schedule Adjustment (GRSA) rider of 9.60 percent to all base rates for all customers receiving electric power and energy under the Company's tariff. The proposed GRSA rider would generate an annual revenue increase of \$11,358,847. Aquila requests that the

tariffs accompanying Advice Letter No. 588 become effective on 30 days' statutory notice or, in this instance, on January 29, 2004.

3. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariffs for hearing which will suspend their effective date for 120 days. If the Commission does not establish new rates before the expiration date of the suspension period of 120 days, or May 28, 2004, the tariffs filed by Aquila will become effective by operation of law. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by separate order, suspend the effective date of the tariffs for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariffs for a maximum of 210 days or, in this docket, until August 26, 2004. If the Commission further suspends, by separate order, the effective date of the tariffs for an additional 90 days, and if no new rates are established by the Commission on or before August 26, 2004, the tariffs filed by Aquila will become effective by operation of law.

B. Findings of Fact

4. The Commission will set the proposed tariffs for hearing and will suspend their effective date because the rates, terms, or conditions contained in the tariffs may be improper.

5. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariffs shall not allow participation as an intervenor in this matter.

II. ORDER

A. The Commission Orders That:

1. The effective date of the tariffs filed by Aquila, Inc., doing business as Aquila Networks-WPC, on December 29, 2003, with Advice Letter No. 588, is suspended for 120 days until May 28, 2004, or until further order of the Commission.

2. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariffs, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing date of this Decision, and shall serve a copy of the motion on the attorney of record for Aquila, Inc., doing business as Aquila Networks-WPC.

3. By further order, to be issued shortly after the time for intervention has expired, the Commission will set a date and time for a prehearing conference.¹ The order will also specify those matters to be discussed at the prehearing conference.

4. Aquila, Inc., doing business as Aquila Networks-WPC filed exhibits and direct testimony with the above referenced Advice Letters. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimonies will be permitted to be offered by Aquila Inc., doing business as Aquila Networks-WPC in support of its direct case.

¹ Parties can anticipate that the prehearing conference will be scheduled in March 2004. Each party should indicate, in its motion to intervene, any times during that period that the party would **not** be available to attend a prehearing conference.

5. The time for filing of Intervenor testimony and any rebuttal testimony by Aquila, Inc., doing business as Aquila Networks-WPC will be set by the Commission at the prehearing conference to be conducted in this matter.

6. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 21, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners