

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03S-539E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY AQUILA, INC., DOING BUSINESS AS AQUILA NETWORKS-WPC, WITH ADVICE NO. 586.

**ORDER SHORTENING RESPONSE TIME
ON COMMISSION'S OWN MOTION**

Mailed Date: March 17, 2004
Adopted Date: March 17, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for a Motion for Protective Order Affording Extraordinary Protection to Confidential Information filed by Aquila, Inc., doing business as Aquila Networks - WPC (Aquila) on March 15, 2004. Aquila files this motion as part of its Phase II rate case.

2. Aquila requests extraordinary protection regarding dissemination of its Threshold Associates Cost of Service (TACOS) software to intervenors in this docket. According to Aquila, Threshold Associates, Inc., has advised Aquila that it objects to dissemination of an executable form of its proprietary TACOS software to all parties to this matter with the exception of Advisory Staff. Aquila further represents that it has received discovery requests from intervenors seeking an executable form of the cost of service software.

3. Aquila's motion seeks extraordinary confidentiality protection of the model through a protective order prohibiting the production or disclosure of the TACOS model to Commission Trial Staff, the intervenors, and the intervenors' consultants. In the alternative,

Aquila suggests that it will perform alternative cost of service runs on the TACOS software model for intervenors using their selected inputs. Aquila also offers to hold an informal workshop in Denver for all interested persons with its cost of service witness to demonstrate the use of TACOS software with the input data Aquila used in this case.

4. We merely address response time in this order, and will address the merits of Aquila's motion at another time. We find it imperative to make a determination on this motion as soon as possible so that the procedural and discovery schedules in this matter are not unduly interrupted or delayed. Aquila indicates that it has already received discovery requests regarding its cost of service modeling software. Further, given Aquila's proposal to conduct software runs for intervenors utilizing their inputs, and conducting an informal workshop in Denver, we find that time is of the essence here.

5. Therefore, upon our own motion, we will shorten response time in this matter up to and including March 22, 2004. This will allow the parties sufficient time to respond to Aquila's motion, but will not delay the aggressive procedural schedule set for this matter. We will take up the merits of Aquila's motion at the March 24, 2004 Commissioners' Weekly Meeting after response time has run.

II. ORDER

A. The Commission Orders That:

1. Upon the Commission's own motion, we shorten response time to Aquila, Inc., doing business as Aquila Networks – WPC's Motion for Protective Order Affording Extraordinary Protection to Confidential Information up to and including March 22, 2004.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 17, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners