

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

STATE OF MISSOURI ex rel. AG PRO-)
CESSING INC, and the MISSOURI OF-)
FICE OF THE PUBLIC COUNSEL,)
)
Relators,)
)
vs.)
)
THE MISSOURI PUBLIC SERVICE COMMIS-)
SION AND THE COMMISSIONERS THEREOF,)
Respondents.)

Case No. 04CV323493

Serve: Dale Hardy Roberts
Secretary of the Commission
200 Madison Street
Suite 900
Jefferson City, Missouri 65101

AMENDED PRELIMINARY ORDER IN PROHIBITION

The State of Missouri Respondent Public Service
Commission:

You are hereby directed to file your pleading to the
petition in prohibition on or before the 17th day of March 2004
and to serve a copy of your pleading upon the attorneys for
Relators at the following addresses:

FINNEGAN, CONRAD & PETERSON, L.C.
3100 Broadway, Suite 1209
Kansas City, Missouri 64111

OFFICE OF THE PUBLIC COUNSEL
P. O. Box 2230
Jefferson City, MO 65102

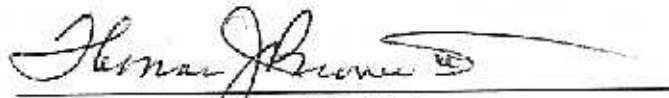
If you fail to do so, judgment by default will be taken
against you for the relief demanded in the petition.

You are ordered to refrain from acting or continuing to
act to process or hear the rate application of Aquila in Case No.
ER-2004-0034 insofar as said rate application or hearing concerns
the service territories of St. Joseph Light & Power Co. as to

which Aquila's attempted acquisition was overturned by the Missouri Supreme Court, or issues surrounding the purported merger.

Nothing in this order prohibits the Commission from taking evidence of all relevant factors concerning the proposed tariffs for Aquila, Inc. d/b/a Aquila Networks-MPS filing even if such evidence refers to or mentions the St. Joseph Light & Power Co. service territory or operations therein.

Dated: 2/27/04



Circuit Judge