

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

STATE of MISSOURI ex rel. AG
PROCESSING INC., and THE
MISSOURI OFFICE of the PUBLIC
COUNSEL,

Relators,

vs.

THE MISSOURI PUBLIC SERVICE
COMMISSION and the
COMMISSIONERS THEREOF,

Respondents.

Case No. 04CV323493

**ORDER VACATING AND SETTING ASIDE
PRELIMINARY ORDER IN PROHIBITION**

The Preliminary Order in Prohibition entered by this court on February 24, 2004 and amended on February 27, 2004, is vacated insofar as it orders the Commission 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 as to which Aquila's attempted acquisition was overturned by the Missouri Supreme Court, or issues surrounding the purported merger." Further, the last paragraph in the amended order is hereby vacated.

Furthermore, the Court orders Relator to file their legal memorandum by March 12, 2004; Respondent's to file their reply by March 19, 2004 with Relator filing their response by March 26, 2004. Matter scheduled for hearing on April 2, 2004 at 1:00 p.m.

Date

3/2/04

Circuit Judge


