

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

RECEIVED

FEB 24 2004

4:15pm

Adjudication Division  
Public Service Commission

DHR

Serve: Dale Hardy Roberts  
Public Service Commission  
200 Madison Street  
Suite 900  
Jefferson City, Missouri 65101

PRELIMINARY ORDER IN PROHIBITION

The State of Missouri to Respondent Public Service  
Commission:

You are hereby directed to file your pleading to the  
petition in prohibition on or before the 17<sup>th</sup> 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.

Dated: 2/24/04

Thomas J. Brannon  
Circuit Judge

STATE OF MISSOURI }  
COUNTY OF COLE } SS

I, BRENDA A. UNSTATTO, Clerk of the Circuit Court of Cole County, Missouri, hereby certify that the above and foregoing is a full true and correct copy of

*Preliminary Order on Resolution*

as fully as the same remains of record in my said office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my said office the 24 day of Feb. 2004

BRENDA A. UNSTATTO, Clerk

Julie Smith  
Deputy Clerk  
Circuit Court of Cole County, Missouri