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February 6, 2003

FILED<sup>2</sup>

FFB 2 0 2003

Missouri Public Service Commission

Secretary
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. GR-2003-0290

Dear Mr. Roberts:

DAVID V.G. BRYDON

GARY W. DUFFY

PAUL A. BOUDREAU

SONDRA B. MORGAN CHARLES E. SMARR

JAMES C. SWEARENGEN

WILLIAM R. ENGLAND, III

JOHNNY K. RICHARDSON

Enclosed please find an original and eight copies of a Motion For Waiver Concerning Unscheduled PGA Filing filed on behalf of Aquila Networks - MPS. Please file stamp the enclosed extra receipt copy and return to me for my records.

If you have any questions concerning this matter, then please do not hesitate to contact me. Thank you very much for your attention to this matter.

Sincerely,

BRYDON/SWEARENGEN & ENGLAND P.C.

By:

Dean L. Cooper

DLC/tli Enclosures

cc:

General Counsels Office Public Counsels Office

FILED<sup>2</sup>

## BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

FEB 2 0 2003

In the Matter of Aquila Networks - MPS's	)	Missouri Public Service Commission
Purchased Gas Adjustment factors to be reviewed	)	Case No. GR-2003-0290
in its 2002-2003 Actual Cost Adjustment.	)	

# MOTION FOR WAIVER CONCERNING UNSCHEDULED PGA FILING

Comes now Aquila, Inc., d/b/a Aquila Networks - MPS ("MPS"), in accordance with Commission Rule 4 CSR 240-2.060(14), and as its motion for a waiver from certain aspects of MPS's P.S.C. No. 5, 4<sup>th</sup> Revised Sheet No. 34 and P.S.C. No. 5, 5<sup>th</sup> Revised Sheet No. 35, states to the Missouri Public Service Commission ("Commission") as follows:

- 1. On February 18, 2003, MPS filed in this case tariff sheets designed to reflect unscheduled changes in its Purchased Gas Adjustment ("PGA") factors.
- 2. The interim rates proposed by these tariffs include a reduction in the cost of gas on the Northern, Southern and Eastern Systems related to puts and calls activity. MPS and the Staff reached an agreement in Case No. GR-2001-461 to make such adjustments. The agreement was reflected in testimony (See Direct Testimony of Staff Witness Phil Lock, Sch. 1) and therefore was not a contested issue in Case No. GR-2001-461.
- 3. MPS believes that there is no reason to delay these adjustments and that it is in the interest of its customers to make the adjustments at this time.

A Unanimous Stipulation and Agreement was filed in that case on January 29, 2003, and has not yet been approved by the Commission. While the Stipulation describes the above agreement, MPS has made a commitment to make this adjustment in testimony and no contested issue exists as to the puts and calls issue in Case No. GR-2001-461.

4. Such adjustments are beyond the factors identified in MPS's P.S.C. No. 5, 4<sup>th</sup> Revised Sheet No. 34 and P.S.C. No. 5, 5<sup>th</sup> Revised Sheet No. 35. Therefore, for the reasons stated above, MPS hereby requests a waiver from MPS's P.S.C. No. 5, 4<sup>th</sup> Revised Sheet No. 34 and P.S.C. No. 5, 5<sup>th</sup> Revised Sheet No. 35 to allow MPS to make the identified adjustments with its unscheduled changes to its PGA factors.

WHEREFORE, MPS requests a Commission order:

- a) granting MPS a waiver from MPS's P.S.C. No. 5, 4<sup>th</sup> Revised Sheet No. 34 and P.S.C. No. 5, 5<sup>th</sup> Revised Sheet No. 35 to allow MPS make the adjustments reflected in the Direct Testimony of Staff Witness Phil Lock (Sch. 1) in Case No. GR-2001-461; and,
- b) granting such further relief as is consistent with the relief requested herein.

Respectfully submitted,

Dean L. Cooper

MBE#36592

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ATTORNEYS FOR AQUILA, INC. D/B/A AQUILA NETWORKS - MPS

### CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered on February \_\_\_\_\_\_, 2003 to the following:

Robert Franson Office of the General Counsel Governor Office Building Jefferson City, Mo 65101 Douglas Micheel
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Jefferson/City, MO 65101