

LAW OFFICES  
**BRYDON, SWEARENGEN & ENGLAND**  
PROFESSIONAL CORPORATION

DAVID V.G. BRYDON  
JAMES C. SWEARENGEN  
WILLIAM R. ENGLAND, III  
JOHNNY K. RICHARDSON  
GARY W. DUFFY  
PAUL A. BOUDREAU  
SONDRA B. MORGAN  
CHARLES E. SMARR

312 EAST CAPITOL AVENUE  
P.O. BOX 456  
JEFFERSON CITY, MISSOURI 65102-0456  
TELEPHONE (573) 635-7166  
FACSIMILE (573) 635-3847  
E-MAIL: DCOOPER@BRYDONLAW.COM

DEAN L. COOPER  
MARK G. ANDERSON  
GREGORY C. MITCHELL  
BRIAN T. MCCARTNEY  
DIANA C. FARR  
JANET E. WHEELER

OF COUNSEL  
RICHARD T. CIOTTONE

September 19, 2003

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

**FILED<sup>2</sup>**  
SEP 19 2003  
Missouri Public  
Service Commission

**RE: Case No. GR-2004-0072**

Dear Mr. Roberts:

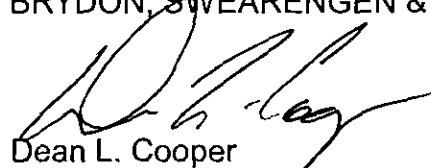
Enclosed please find an original and eight copies of Aquila Networks - MPS's Suggestions Concerning Local Public Hearings and an original and eight copies of Aquila's Response to Order Directing Filing. Please stamp the enclosed copies filed and return same to me.

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/llv  
Enclosures  
cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
SEP 19 2003  
Missouri Public  
Service Commission

In the Matter of Aquila, Inc. d/b/a )  
Aquila Networks - L&P and Aquila ) Case No. GR-2004-0072  
Networks - MPS to Implement a )  
General Rate Increase in Natural Gas Rates )

**AQUILA'S RESPONSE TO ORDER DIRECTING FILING**

COMES NOW Aquila, Inc., d/b/a Aquila Networks - MPS and Aquila Networks - L&P ("Aquila" or "Company") and, in response to the Missouri Public Service Commission's ("Commission") Order Directing Filing states the following concerning the City of Kansas City's ("Kansas City") Response to Aquila's Objection to the City of Kansas City's Application to Intervene (Kansas City's "pleading"):

1. On August 26, 2003, Kansas City filed its Application to Intervene. On September 4, 2003, Aquila filed its Objection to the Application to Intervene ("Objection"). Kansas City filed its Response to the Objection on September 10, 2003. On September 16, 2003, the Commission issued its Order Directing Filing wherein the Commission directed that Aquila file a response to Kansas City's pleading.

2. In its Objection, Aquila alleged that it does not supply natural gas to Kansas City and that Aquila's natural gas service territory does not enter into the city limits of Kansas City. Aquila further asserted that Kansas City cannot be "affected by a final order arising from this case", that no "public interest" would be served by Kansas City's intervention and that, therefore, Kansas City's intervention request was not in accordance with Commission Rule 4 CSR 240-2.075(4).

3. Kansas City's pleading did not dispute Aquila's allegations. Kansas City instead alleged that the Missouri Department of Natural Resources ("DNR") distributes federal and state

grant funding for weatherization programs and that DNR has designated Kansas City as the administrator of weatherization monies for Clay, Platte and Jackson Counties. Kansas City stated that, as a result, “One of the chief reasons Kansas City requests intervention in this case is to propose to the Commission, and the parties, an expansion of the home weatherization city/utility partnership in Platte County, and any other county where Aquila’s gas . . . service and Kansas City’s jurisdiction may overlap.”

4. As stated before, Aquila has no natural gas customers within Kansas City and serves only a limited number of customers in Platte County.

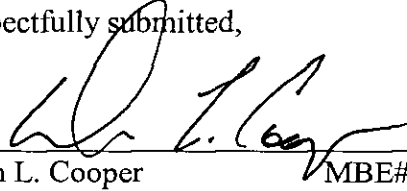
5. The Commission on September 10, 2003 granted the intervention of the Missouri DNR and its Energy Center. DNR stated in its application for intervention that “[i]n particular, the [DNR] Energy Center will look at the proposed filing to assess the commitment by the Company to provide low or no cost weatherization to low income families.”

6. It appears that Kansas City’s only interest in this proceeding is as an administrator of home weatherization, as designated by DNR. This interest is already adequately represented by DNR itself, a party to the case. Adding Kansas City, therefore, would be superfluous and would further no public interest. As Kansas City is merely an administrator of a program as designated by DNR, it is DNR’s interest that may be affected by an order in this case, not Kansas City’s.

WHEREFORE, Aquila respectfully requests the Commission issue its order denying Kansas

City's Application to Intervene.

Respectfully submitted,



Dean L. Cooper MBE#36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166  
(573) 635-3847 facsimile  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

ATTORNEYS FOR AQUILA, INC. D/B/A  
AQUILA NETWORKS - MPS AND  
AQUILA NETWORKS - L&P

### CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered on September ~~19<sup>th</sup>~~ 2003, to the following:

Thomas R. Schwarz, Jr.  
Office of the General Counsel  
Governor Office Building, 8<sup>th</sup> Floor  
Jefferson City, Mo 65101

Douglas Micheel  
Office of the Public Counsel  
Governor Office Building, 6<sup>th</sup> Floor  
Jefferson City, MO 65101

Mr. Stuart W. Conrad  
Finnegan, Conrad & Peterson, L.C.  
Penntower Office Center  
3100 Broadway, Suite 1209  
Kansas City, MO 64111

James M. Humphrey  
Shughart Thomson & Kilroy P.C.  
Twelve Wyandotte Plaza  
120 West 12<sup>th</sup> Street  
Kansas City, MO 64105

Mark Comley  
Newman, Comley & Ruth P.C.  
P.O. Box 537  
Jefferson City, MO 65102-0537

