

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) 635-0427  
Email: PAULB@BRDYONLAW.COM

DEAN L. COOPER  
MARK G. ANDERSON  
BRIAN T. MCCARTNEY  
GREGORY C. MITCHELL  
DIANA C. CARTER  
JANET E. WHEELER  
SCOTT A. HAMBLIN

OF COUNSEL  
RICHARD T. CIOTTONI

March 24, 2005

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**RE: Case No. EO-2005-0156**

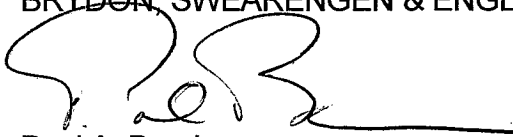
Dear Mr. Roberts:

Attached hereto for filing in the referenced case, is a Joint Motion to Establish Procedural Schedule filed in accordance with the Commission's March 9, 2005 Order Rescheduling Prehearing Conference. The Joint Motion contains the signatures of all counsel of record with the exception of counsel for the City of Peculiar who the undersigned is given to understand is out of the office and unavailable until Monday, March 28, 2005. The undersigned will contact Mr. Douglas and request that he advise the Commission of his agreement with the joint proposal.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By:



Paul A. Boudreau

PAB/ccp  
Enclosure

cc: All parties of record

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

In the Matter of the Application of Aquila, )  
Inc., for Authority to Acquire, Sell and )  
Lease Back Three Natural Gas-Fired )  
Combustion Turbine Power Generation )  
Units and Related Improvements to be )  
Installed and Operated in the City of )  
Peculiar, Missouri. )

Case No. EO-2005-0156

**JOINT MOTION TO ESTABLISH PROCEDURAL SCHEDULE**

COME NOW Aquila, Inc., ("Aquila"), Staff of the Missouri Public Service Commission ("Staff"), the Office of the Public Counsel ("Public Counsel"), the County of Cass, Missouri ("Cass County") and the City of Peculiar (the "City") (hereinafter, collectively, the "Parties") and for their Joint Motion to Establish Procedural Schedule in the captioned matter, state to the Missouri Public Service Commission ("Commission"):

1. On December 6, 2004, Aquila filed with the Commission an Application for determination that the acquisition by its regulated Missouri electric utility operations of an affiliated entity of three (3) natural gas-fired combustion turbines does not provide a financial advantage to the unregulated affiliate, for authorization to enter into a sale and lease back arrangement with the City, to facilitate the issuance of tax-advantaged Chapter 100 revenue bonds to finance the construction and operation of a power generation station and to cause said electric power generation station to be subjected to the lien of an indenture of mortgage as security for the benefit of the holders of the revenue bonds.

2. On January 13, 2005, Aquila filed the prepared direct testimony of Dennis R. Williams in support of its Application.

3. By order dated March 3, 2005, the Commission scheduled a prehearing conference in this case. Thereafter, on March 9, 2005, the Commission issued an Order Rescheduling Prehearing Conference. By virtue of said orders, the Commission directed that the Parties jointly file a proposed procedural schedule setting forth suggested dates, including a list of issues and a statement of Parties' positions.

4. The prehearing conference was convened on March 17, 2005, at the Commission's office in Jefferson City, Missouri, at which time Staff, Public Counsel, Aquila and Cass County discussed the issues presented and a schedule of events for the Commission's consideration. Counsel for the City was excused and was not in attendance. The Parties propose the following procedural schedule:

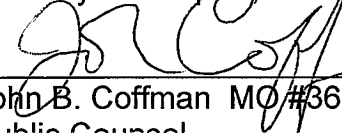
| <u>Event</u>  | <u>Date</u>        |
|---|--------------------|
| Rebuttal Testimony – Staff/OPC/Cass County/City of Peculiar | June 13, 2005      |
| Surrebuttal Testimony – All Parties                         | June 27, 2005      |
| List of Issues/Statements of Positions, etc.                | July 7, 2005       |
| Hearing   | July 13 – 14, 2005 |

**WHEREFORE**, the Parties request that the Commission issue an order setting the procedural schedule proposed above in paragraph 4 and for such other orders and relief as are appropriate under the circumstances.



Paul A. Boudreau MO #33155  
BRYDON, SWEARENGEN & ENGLAND,  
P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 Telephone  
(573) 635-0427 Fax  
[paulb@brydonlaw.com](mailto:paulb@brydonlaw.com)

Attorneys for Aquila, Inc.



John B. Coffman MO #36591  
Public Counsel  
P O Box 2230  
Jefferson City, MO 65102  
(573) 751-5565  
(573) 751-5562 FAX  
[john.coffman@ded.mo.gov](mailto:john.coffman@ded.mo.gov)

Attorney for The Office of the Public  
Counsel

---

E. Sid Douglas III  
Gilmore & Bell, P.C.  
2405 Grand Blvd., Suite 1100  
Kansas City, MO 64108  
(816) 218-7533  
(816) 221-1018 FAX  
[SDouglas@gilmorebell.com](mailto:SDouglas@gilmorebell.com)

Attorney for The City of Peculiar, Missouri

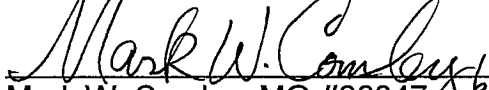
Respectfully submitted,

DANA K. JOYCE  
General Counsel



Nathan Williams MO #35512  
Senior Counsel  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7431 Telephone  
(573) 751-9285 Fax  
[nathan.williams@psc.mo.gov](mailto:nathan.williams@psc.mo.gov)

Attorney for the Staff of the Missouri  
Public Service Commission



Mark W. Comley MO #28847 *by RKA*  
Newman, Comley & Ruth, P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 FAX  
[comleym@ncrpc.com](mailto:comleym@ncrpc.com)

Attorney for Cass County, Missouri