

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

In the Matter of The Empire District Electric)	
Company of Joplin, Missouri for Authority to)	
File Tariffs Increasing Rates for Electric)	Case No. ER-2006-0315
Service Provided to Customers in the Missouri)	
Service Area of the Company.)	

AQUILA’S PREHEARING BRIEF

COMES NOW Aquila, Inc. (hereinafter, “Aquila”), by counsel, and respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. On February 1, 2006, The Empire District Electric Company (“Empire”) filed revised tariff sheets designed to increase rates for retail electric service provided to customers in Empire’s Missouri service area.

2. As part of its initial filing, Empire sought to terminate its current Interim Energy Charge (“IEC”) and replace that IEC with an energy cost recovery mechanism (“ECR”) pursuant to Senate Bill 179 (RSMo. §386.266).

3. Aquila moved to intervene in this matter because of Empire’s proposed ECR, which, if approved by the Commission and instituted by Empire, would be the first of its kind since the passage of Senate Bill 179.

4. Aquila believes that Missouri’s regulated utilities should be able to fully avail themselves of the provisions of RSMo. §386.266 and recover, in a timely manner, all reasonable and prudently incurred fuel and purchased power costs. Due to Aquila’s limited involvement with this case, at this time, Aquila takes no further position on the issues set forth in the List of Issues filed herein by the Staff of the Commission on August 28, 2006. Aquila reserves its right, as a party to this proceeding, to fully participate in the evidentiary hearings which are scheduled to begin on September 5, 2006.

BRYDON, SWEARENGEN & ENGLAND P.C.

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ATTORNEYS FOR AQUILA, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered, mailed by U.S. mail, or electronically transmitted on this 31st day of August, 2006, to all parties of record.

/s/ Diana C. Carter