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January 24, 2004

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

FILED

JAN 22 2004

**Missouri Public
Service Commission**

RE: In the Matter of Aquila, Inc. d/b/a Aquila Networks - L&P
and Aquila Networks - MPS, Case No. GR-2004-0072

Dear Mr. Roberts:

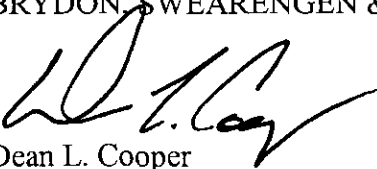
Enclosed for filing in the above-referenced matter are the original and eight (8) copies of Aquila, Inc.'s Motion for Additional Time to Respond to Public Counsel's Motion to Dismiss. A copy of the foregoing document has been hand-delivered or mailed this date to each party of record.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



Dean L. Cooper

DLC/jar

Enclosures

cc: Thomas R. Schwarz, Jr.
Douglas Micheel
Stuart W. Conrad
James M. Humphrey
Mark Comley
Amy Randles

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JAN 22 2004

In the Matter of Aquila, Inc. d/b/a)
Aquila Networks - L&P and Aquila)
Networks - MPS to Implement a)
General Rate Increase in Natural Gas Rates)

Case No. GR-2004-0072

Missouri Public
Service Commission

**AQUILA'S MOTION FOR ADDITIONAL TIME TO RESPOND
TO PUBLIC COUNSEL'S MOTION TO DISMISS**

Comes now Aquila, Inc., d/b/a Aquila Networks - MPS and Aquila Networks - L&P ("Aquila" or "Company") pursuant to 4 CSR 240-2.080(15), and, as its Motion for Additional Time to Respond to Public Counsel's Motion to Dismiss, states as follows to the Missouri Public Service Commission ("Commission"):

1. On January 15, 2004, the Office of the Public Counsel ("Public Counsel") filed its Motion to Dismiss and Reject Aquila Networks' Unauthorized Filing of Proposed Natural Gas Tariffs and for the Appointment of a Conservator for the Benefit of the Shareholders of St. Joseph Light & Power Co. and Request for Oral Argument ("Motion to Dismiss") in this proceeding asking that the Commission dismiss and reject Aquila's filing to change natural gas rates for the Aquila Networks - L&P service area as an unauthorized filing and that the Commission's General Counsel be directed to join with Public Counsel in petitioning the Circuit Court of Cole County for the appointment of a conservator for the benefit and interest of the former shareholders of the St. Joseph Light & Power Company that approved its merger with Aquila.

2. Commission rule 4 CSR 240-2.080(15) states that "[p]arties shall be allowed not more than ten (10) days from the date of the filing in which to respond to any pleading *unless otherwise ordered by the commission*" (Emphasis added). Thus, without an order of the

Commission, Aquila's response to the Motion to Dismiss, as well as the response of other parties to this Motion to Dismiss would be due no later than January 26, 2004.

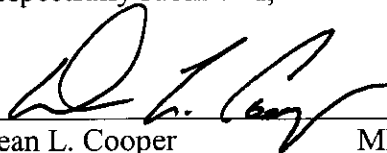
3. At a minimum, it is unusual for a Motion to Dismiss of this sort to be raised in a rate case. Aquila believes that responding to the Motion to Dismiss will require more than the ordinary ten day response time set by rule. Therefore, Aquila asks that the Commission grant the parties an additional ten (10) days, or up to and including February 5, 2004, to respond to the Motion to Dismiss.

4. The attorney for the Public Counsel has indicated that he has no objection to the additional ten days proposed by Aquila. Counsel for the Commission Staff has also stated that he has no objection to a grant of this additional time and has further asked that Aquila specify that the request for additional time is intended to provide all parties to the case an additional ten days to respond to the Motion to Dismiss.

Wherefore Aquila respectfully requests that the Commission grant all parties to this case an additional ten days, or up to and including February 5, 2004, to respond to Public Counsel's Motion

to Dismiss.

Respectfully submitted,



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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 January 22nd, 2004, to the following:

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