

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

In The Matter of the Application of Aquila,)
Inc. for Specific Confirmation or, in the)
Alternative, Issuance of a Certificate of)
Convenience and Necessity Authorizing)
it to Construct, Install, Own, Operate,)
Control, Manage, and Maintain a)
Combustion Turbine Electric Generating)
Station and Associated Electric)
Transmission Substations in)
Unincorporated Areas of Cass County,)
Missouri Near the Town of Peculiar.)

Case No. EA-2005-0248

MOTION FOR EXPEDITED TREATMENT

COMES NOW Aquila, Inc., ("Aquila"), by counsel, pursuant to Missouri Public Service Commission ("Commission") Rule 4 CSR 240-2.080(16) and for its Motion for Expedited Treatment of its Application for specific confirmation or, in the alternative, issuance of a certificate of convenience and necessity to construct, own, operate and manage an electrical power production facility and associated electric transmission substations on two (2) tracts of property near the City of Peculiar in unincorporated Cass County, Missouri, states as follows:

1. On January 28, 2005, Aquila caused to be filed with the Commission an Application to confirm specifically that it possesses, or in the alternative, obtain a certificate of convenience and necessity under §393.170 RSMo 2000 to construct, own, operate and manage an electrical power production facility and associated electric transmission substations on two (2) described tracts of property in an unincorporated portion of Cass County, Missouri, near the City of Peculiar.

2. As noted in the Application, Aquila is constructing a power production facility comprised of three (3) 105 MW simple cycle combustion turbines (“CTs”) and associated electric transmission substations to replace a power purchase contract that expires on May 31, 2005. Although constructed under the authority of Aquila’s certificate of convenience and necessity issued to predecessor companies, including in Commission Case Nos. 9,470 and 11,892, a lawsuit filed in the Circuit Court of Cass County, Missouri has resulted in the issuance of a permanent injunction against any further construction activity associated with the power station and associated electric transmission substations. The Judgment has been stayed pending Aquila’s appeal, but the timing of a decision from the Western District Court of Appeals is at best uncertain and resolution by June of 2005 is in question even if Aquila is able to obtain an expedited appeal. Because of the significant uncertainties created by the issuance of the Court’s injunction, Aquila is compelled to file this Application with the Commission to specifically confirm or grant authority to construct and operate the new facilities to meet the demand of its customers in the Aquila Networks-MPS service area, including those located in the County of Cass, Missouri.

3. The timeframe to complete construction activities at the South Harper power station and the electric transmission substation northwest of the City of Peculiar near 71 Highway so that commercial operations can begin as scheduled on June 30th of 2005 is very tight and unforgiving. June is only four (4) calendar months off and several interim key dates are imminent. Site preparation activities, including the pouring of concrete foundations for the CTs, are nearing completion. The installation of the first two CTs is scheduled to commence as early as the end of February or early March.

The third CT is scheduled to be installed shortly thereafter. These activities absolutely cannot be delayed if the process of commissioning the CTs is to begin on schedule by mid-May. If these dates are not met, the CTs may not be on line producing power when needed for the upcoming Summer cooling season.

4. Applicant's financial commitment to this undertaking has been significant to date. Project costs through December of 2004 have totaled almost \$14 million and significant additional expenditures of approximately \$28 million are anticipated through the first quarter of 2005 alone. Aquila anticipates investing approximately \$3 million per week through the end of March 2005. Ultimately, total project costs including the CTs are expected to exceed \$144 million through October of this year.

5. In order to address these important financial and customer service considerations, it is imperative that Aquila's authority to install and operate the CTs and the associated electric transmission substations at their present locations be specifically confirmed or that a certificate of convenience and necessity be granted.

6. Given the foregoing concerns and considerations, and for good cause shown, Aquila requests the Commission issue an order in this case specifically confirming or granting the requested certificate of convenience and necessity by March 15, 2005, bearing an effective date of no later than March 25, 2005.

7. This motion was filed as soon as it could have been after the filing of the Application in this case.

WHEREFORE, Aquila requests the Commission issue an order approving Aquila's Application in this case by Tuesday, March 15, 2005, said order bearing an

effective date of no later than March 25, 2005, and for such other orders and relief as are necessary and appropriate under the circumstances.

Respectfully submitted,

/s/ Paul A. Boudreau
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 Phone
(573) 635-0427 Fax
paulb@brydonlaw.com

Attorneys for Applicant, Aquila, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail or by hand delivery, on this 1st day of February, 2005 to the following:

General Counsel's Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360

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

Mr. Gerard D. Eftink
Van Hooser, Olsen & Eftink, P.C.
704 W. Foxwood Drive
P.O. Box 1280
Raymore, MO 64083-1280

Office of the Public Counsel
Governor Office Building
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230

Debra L. Moore
Cass County Counselor
Cass County Courthouse
102 E. Wall
Harrisonville, MO 64701

/s/ Paul A. Boudreau