

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

In the Matter of the Application of Aquila, )  
Inc. for Permission and Approval and a )  
Certificate of Public Convenience and )  
Necessity Authorizing it to Acquire, )  
Construct, Install, Own, Operate, )  
Maintain, and Otherwise Control and )  
Manage Electrical Production and )  
Related Facilities in Unincorporated )  
Areas of Cass County, Missouri near the )  
Town of Peculiar. )

Case No. EA-2006-0309

**OPPOSITION OF AQUILA, INC. TO  
MOTION OF STOPAQUILA.ORG FOR ORDER PERMITTING USE OF HIGHLY  
CONFIDENTIAL MATERIAL**

COMES NOW Aquila, Inc. (hereinafter "Aquila" or the "Company"), and in response to Intervenor STOPAQUILA.ORG's Motion for Order Permitting Use of Highly Confidential Material respectfully states as follows:

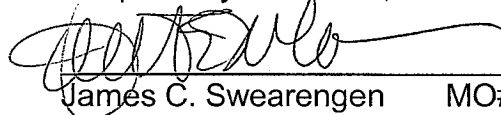
1. Aquila opposes any of the material which has been noted as "Highly Confidential" in the above captioned proceeding from being made "Non-Proprietary" in this matter. The passages referred to in the Motion, while limited in volume, contain highly confidential information, and as such Aquila opposes this attempt by STOPAQUILA.ORG to convert said passages to "Non-Proprietary." Further, Aquila, as well as other parties to this proceeding, is a party to a protective order, upon which Aquila relied in disclosing the documents referred to in said Motion.

2. Aquila is further opposed to STOPAQUILA.ORG's Motion in that it would violate agreements concerning confidentiality in other Commission proceedings, as well as with other persons whom are not parties to this proceeding, and as such will cause harm to Aquila.

3. Further, STOPAQUILA.ORG's highly confidential portions of its Proposed Order does not fairly and accurately characterize the highly confidential information which was presented in this matter. And, for such reason, Aquila further opposes the Motion.

4. Additionally, there is the overarching question that the issues raised by STOPAQUILA.ORG's Motion is not ripe for consideration in that, to Aquila's knowledge, the Commission has not requested the use of any portion of STOPAQUILA.ORG's Proposed Order in this matter, and thus any of the highly confidential material to which the Motion refers.

Respectfully submitted,



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ATTORNEYS FOR AQUILA, INC.

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered electronically, by first class mail, or by hand delivery, on this 22<sup>nd</sup> day of May, 2006, to all parties of record.

