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August 15, 2002

Secretary
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. GT-2003-0039
Tariff No. 200300095

FILED³

AUG 15 2002

**Missouri Public
Service Commission**

Dear Mr. Roberts:

Enclosed for filing please find an original and eight copies of a substitute page 3 for the Response to Motion to Reject Or, In the Alternative, Suspend and Motion to Consolidate that was filed on August 14, 2002. For unknown reasons additional printing appeared on the original page 3.

I apologize for any inconvenience this may have caused. If you have any questions concerning this matter, then please do not hesitate to contact me. Thank you very much for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/tli

Enclosures

cc: Robert Franson
Douglas Micheel
Richard Brownlee

RSMo 2002 only applies to school districts and because it clearly provides that it does not affect any other law, it follows that Aquila cannot invoke Section 393.310.1 as a basis for implementing similar changes for other customers.”

4. There is a fundamental factual error in this allegation. Aquila has NOT invoked Section 393.310.1 as a basis for anything other than that portion of the tariffs concerning school districts. Aquila’s cover letter cited three issues addressed by its tariff filing:

- “The impending expiration of the Company’s small volume aggregation program for the MPS system”;
- “The recent statutory requirement for an aggregation program for schools”; and,
- “The proposed September 1, 2002 adoption of daily scheduling and balancing by Williams Pipeline-Central. If the FERC approves these provisions, the Company will need tariff provisions to address possible penalties and charges that could be caused by end user imbalances.”

5. The fact that the aggregation provisions apply to Aquila small-volume customers other than school districts is nothing new. Aquila’s current Commission-approved tariffs already provide for small volume aggregation by customers other than school districts. This is something that the Commission has previously authorized as in the public interest.

6. The portion of Section 393.310 quoted by the Staff as the basis for its Motion, thus, confirms that a tariff such as that utilized in the past by Aquila is still viable. The statute states that it “shall not affect any existing laws and shall only apply