

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

In the Matter of the Application of Aquila,       )  
Inc., for Authority to Acquire, Sell and       )  
Lease Back Three Natural Gas-Fired       )  
Combustion Turbine Power Generation       )  
Units and Related Improvements to be       )  
Installed and Operated in the City of       )  
Peculiar, Missouri.       )

**Case No. EO-2005-0156**

**PRELIMINARY COMMENT REGARDING CASS COUNTY'S  
MOTION TO SUSPEND PROCEEDINGS**

COMES NOW Aquila, Inc. ("Aquila"), Applicant in the captioned matter and provides the following comment regarding a Motion to Suspend Proceedings filed by County of Cass, Missouri (the "County"):

1. On January 13, 2005, the County, a non-party to this case, filed a Motion to Suspend Proceedings (hereinafter, the "Motion"). As a non-party, the County has no standing to request any affirmative relief in this case. Accordingly, the Motion is improperly made and Aquila should not have any obligation to respond. Moreover, the Motion should not be considered by the Commission at this time.

2. If and at such time as the Commission grants the County's Motion to Intervene in this case, Aquila reserves the right to file its response addressing the Motion on its merits.

WHEREFORE, Aquila requests that the Commission take no action with respect to the County's Motion for the reasons aforesaid. Aquila further requests that only if and at such time as the County is authorized to intervene in this proceeding, Aquila be given

no less than the customary ten (10) days from that date to file its response to the Motion.

Respectfully submitted,

/s/ Paul A. Boudreau  
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### **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 19<sup>th</sup> day of January 2005 to the following:

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/s/ Paul A. Boudreau