

**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

**RESPONSE OF AQUILA, INC., TO APPLICATION FOR CONTINUANCE OR IN THE
ALTERNATIVE REQUEST FOR PERMISSION TO APPEAR BY TELEPHONE**

Comes now Aquila, Inc. ("Aquila"), through the undersigned counsel, and files the following response to the Application for Continuance or in the Alternative Request for Permission to Appear by Telephone ("Application") filed on February 11, 2005 by counsel for intervenor STOPAQUILA.ORG ("Intervenor"):

1. The Application states that counsel for Intervenor has a scheduling conflict that may preclude his attendance in Jefferson City, Missouri at the time of the scheduled prehearing conference on February 16, 2005 (the "Conference").¹ The Application contains a request that the Commission either continue the Conference to an unspecified date or, alternatively, permit counsel for Intervenor to participate in the Conference by telephone.

2. Aquila objects to a continuance of the Conference and, particularly, a continuance to an unspecified date. Aquila has filed its Motion for Expedited Treatment in accordance with the requirements of Commission Rule 4 CSR 240-2.080(16) on February 1, 2005. Counsel for Intervenor has been on notice since that date that the Commission

¹ Order Setting Intervention Period and Scheduling Prehearing Conference, dated February 10, 2005 (the "Order").

may handle this case expeditiously. The Commission set the Conference for February 16 by virtue of its Order at which time it concluded that “a prehearing conference and procedural schedule are appropriate to ensure prompt resolution” of the case. The requested continuance would only delay matters unnecessarily.

3. Aquila has no objection in principle to participation by Intervenor’s counsel by telephone. Prehearing conferences typically are informal in nature and participation by Intervenor’s counsel in that fashion would not be expected to present a practical obstacle to discussion by the parties.

WHEREFORE, for the reasons aforesaid, Aquila objects to a continuance of the February 16, 2005, prehearing conference, however, Aquila does not object to participation by the counsel for Intervenor by telephone call.

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 14th 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

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

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

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

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

/s/ Paul A. Boudreau