

properly before the Commission for further action or decision until it receives a mandate from the Circuit Court of Cole County, Missouri.

3. Notwithstanding the fact that the matter may not be before the Commission for formal consideration, Aquila sees little reason to oppose a prehearing conference for an informal discussion of the topic by the parties to the pending rate cases. A prehearing conference convened for this purpose could facilitate meaningful discussions pending the anticipated remand from the Missouri Supreme Court.

WHEREFORE, Aquila does not oppose Staff's request that the Commission schedule a prehearing conference to discuss the effect, if any, of the Missouri Supreme Court's decision in *State ex. rel AG Processing v. Public Service Commission*, Case No. SC85352 on the pending electric and steam heat rate increase cases of Aquila.

Respectfully submitted,



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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 18th day of December 2003 to the following:

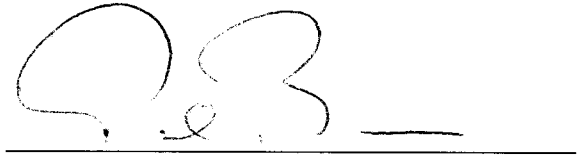
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A handwritten signature in black ink, appearing to read 'J.B. Coffman', is written above a solid horizontal line.