

**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 THE
COMMISSION ORDER DIRECTING FILING**

COMES NOW Aquila, Inc. ("Aquila"), through the undersigned counsel, and files the following response to the Missouri Public Service Commission's ("Commission") Order Directing Filing, dated February 24, 2005 ("Order"), directing Aquila to file copies of all the certificates of convenience and necessity, franchises, Commission decisions, and any other support documents upon which Aquila relies for its argument that the Commission has already given Aquila authority to build the South Harper Facility and Peculiar Substation.

In further support of said filing, Aquila states that it provided notice to the Commission that it would be unable to comply with the Order on February 24, 2005, but that Aquila, pursuant to paragraph Ordered: 2 of said Order, announced at the February 25, 2005 on-the-record presentation that it would file the documents no later than the close of business on Monday, February 28, 2005.

Pursuant to said Order, Aquila hereby provides to the Commission the following items:

1. *In Re Green Light and Power Co.*, Case No. 3,171, Mo. P.S.C., Preliminary Order, December 6, 1921.
2. *In Re Green Light and Power Co.*, Case No. 3,171, Mo. P.S.C., Order, March 21, 1922.
3. *In re application of the Missouri Public Service Corporation*, Report and Order, Case No. 9,470, Mo. P.S.C. January 18, 1938, and Supplemental Report and Order, Case No. 9,470 Mo. P.S.C. January 20, 1938.
4. *In re application of the Missouri Public Service Corporation et al.*, Case No. 11,892, Mo. P.S.C. April 28, 1950.

In addition, counsel for Aquila has conducted an exhaustive search through the archives of the Revised Statutes of Missouri to ascertain whether any alterations or substantive changes have been made to the definition of “electric plant” as set forth in section 386.020(14) RSMo (2000). Said examination began with §10411.12 RSMo (1919) and extended through to the present. No changes to the definition were noted from that date to present.

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 25th 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

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

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

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

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

/s/ Paul A. Boudreau