

**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)	Case No. EO-2005-0156
Related Improvements to be Installed and)	
Operated in the City of Peculiar, Missouri)	

RESPONSE TO STAFF’S MOTION IN LIMINE

COMES NOW Aquila, Inc. (“Aquila”) by and through counsel, and for its response to Staff’s Motion in Limine (the “Motion”) states as follows:

1. On or about June 23, 2005, Staff filed a Motion to strike Schedule DRW-1(HC) from the direct testimony of Aquila witness Dennis R. Williams. Staff’s stated reason for the Motion is that the disputed schedule, a copy of an appraisal performed by the engineering of R. W. Beck, Inc., was not prepared by Mr. Williams and constitutes hearsay.

2. The Motion should be denied as moot. Regardless of the merits, or lack thereof, of the Staff’s argument set forth in the Motion, the claimed evidentiary deficiency has been cured by the filing on June 27, 2005 of the surrebuttal testimony of Neal D. Suess, P.E., a principal and senior director with R. W. Beck, Inc. Mr. Suess was the project manager for, and principal author of, R. W. Beck’s appraisal. Mr. Suess will be made available at the time of the evidentiary hearing on July 13 and 14, 2005 to answer questions about the appraisal methodologies employed and the conclusions reached by R. W. Beck.

WHEREFORE, for the reasons aforesaid, Aquila requests that the Commission deny Staff's Motion to Strike Schedule DRW-1(HC) as moot.

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 28th day of June, 2005 to the following:

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