

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

In the Matter of the Application of Aquila, Inc.)
for an Accounting Authority Order Concerning)
Fuel Purchases.) Case No. EU-2005-0041

**MOTION TO ESTABLISH
PROCEDURAL SCHEDULE**

COMES NOW Aquila, Inc. (“Aquila” or the “Company”), and moves the Missouri Public Service Commission (“Commission”) to establish the procedural schedule described herein:

1. On August 4, 2004, Aquila filed its application in this matter. On August 10, 2004, the Commission issued an Order Directing Filing, which, among other things, directed the Commission to file a status report informing the Commission of a date certain by which Staff will file a memorandum.
2. The application for an accounting authority order (“AAO”) that is the subject of this case concerns fuel costs that, in the absence of an AAO, would be expenses reflected on Aquila’s 2004 books. To have any import as to the 2004 books, a Commission order would need to be issued prior to the date when Aquila’s 2004 books will be closed. An order issued by approximately January 15, 2005, would satisfy that need.
3. Based upon early discussions, Aquila believes at this time, that this case should be put on a litigation track through the establishment of a procedural schedule. Establishment of such a schedule at this time would not foreclose other processes or outcomes that the parties might seek to follow in this case. However, it would provide a framework to bring the case to a conclusion in a timely manner.
4. While Aquila has proposed its schedule to the other parties to this case, those

parties have, so far, been reluctant to discuss a schedule.

PROPOSED PROCEDURAL SCHEDULE

5. Accordingly, in the interest of moving this case forward, Aquila hereby moves the Commission to establish the following described procedural schedule:

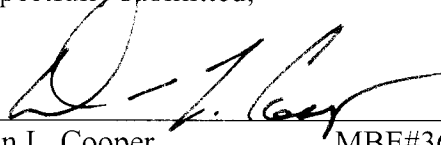
Direct testimony	September 3, 2004
Rebuttal Testimony	October 1, 2004
Surrebuttal/Cross-Surrebuttal testimony (all parties)	October 21, 2004
List of Issues, Order of Witnesses, Order of Cross-Examination	October 22, 2004
Statements of Position-each party's concise explanation of its position on each contested issue with citations to the relevant pre-filed testimony	October 28, 2004
Evidentiary Hearing	November 4-5, 2004
Transcript due	November 19, 2004
Initial Briefs	December 3, 2004
Reply Briefs	December 13, 2004

6. This schedule is designed to provide the Commission with the opportunity, if it so chooses, to issue a decision by January 15, 2005. Aquila believes that the overall time frame utilized in the proposed schedule is also reasonable. As stated previously, the Aquila's application was filed on August 4, 2004. A decision sometime around January 15, 2005, would result in a period of 164 days from filing until decision, or approximately five and one-half months.

WHEREFORE, Aquila respectfully requests that the Commission issue its order adopting

the procedural schedule proposed herein.

Respectfully submitted,



Dean L. Cooper MBE#36592
James C. Swearengen MBE#21510
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-3847 facsimile
dcooper@brydonlaw.com

ATTORNEYS FOR AQUILA, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered, or sent by electronic mail, on September 3rd, 2004, to the following:

Dennis L. Frey
Office of the General Counsel
Governor Office Building, 8th Floor
Jefferson City, Mo 65101

John Coffman, Public Counsel
Office of the Public Counsel
Governor Office Building, 6th Floor
Jefferson City, MO 65101

Stuart W. Conrad
Finnegan, Conrad & Peterson, L.C.
3100 Broadway, Suite 1209
Kansas City, MO 64111

