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August 24, 2004

**FILED**

AUG 24 2004

EUGENE E. ANDERECK (1923-2004)

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

Secretary  
Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

**Missouri Public  
Service Commission**

Re: In the Matter of the Application of Aquila, Inc. d/b/a Aquila Networks – MPS,  
and Osage Valley Electric Cooperative for Approval of a Written Territorial  
Agreement Designating the Boundaries of Exclusive Service Areas Within Cass  
County, Missouri  
Case No. EO-2004-0603

Dear Secretary:

Enclosed for filing please find an original and eight copies of Motion for Leave to File  
Surrebuttal Testimony in the above referenced case.

If you have any questions, please contact me at the number listed above.

Sincerely,

*Lisa Chase*  
Lisa Cole Chase

LCC:lw

Encl.

CC: John Coffman, OPC  
Steve Dottheim, PSC  
Paul Boudreau  
Jon McClure

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

**FILED**

AUG 24 2004

Missouri Public  
Service Commission

In the Matter of the Application of Aquila, Inc.       )  
d/b/a Aquila Networks - MPS, and Osage Valley       )  
Electric Cooperative for Approval of a Written       )  
Territorial Agreement Designating the                )  
Boundaries of Exclusive Service Areas Within       )  
Cass County, Missouri.                                    )

Case No. EO-2004-0603

**MOTION FOR LEAVE TO FILE SURREBUTTAL TESTIMONY**

COMES NOW Applicant Osage Valley Electric Cooperative, by and through its counsel of record, and hereby moves for leave to file its Surrebuttal Testimony in this matter, and in support thereof states as follows:

1.       On July 21, 2004, the Parties to this proceeding filed a Joint Motion for Establishment of Procedural Schedule in which they acknowledged a proposed filing date for surrebuttal testimony was not within the proposed schedule, but that the parties anticipated there would be adequate time to file surrebuttal testimony between surrebuttal testimony and the date of the evidentiary hearing if any issues should arise.

2.       On August 5, 2004, the Commission issued a Scheduling Order in this matter and found that it should be adopted with one significant change, i.e. to change the hearing date from September 3, 2004 to September 10, 2004 to accommodate a scheduling conflict. The Commission did not otherwise address the Parties' statements pertaining to the potential for filing surrebuttal testimony in this proceeding.

3.       An issue has arisen in the filing of Direct Testimony of Jon McClure and the Rebuttal Testimony of Alan Bax that Osage Valley Electric Cooperative believes can be clarified through Surrebuttal Testimony. All parties in this proceeding have been contacted, and no party opposes the filing of Surrebuttal Testimony on August 24, 2004,

including testimony filed by Jon McClure on behalf of Osage Valley Electric Cooperative.

Wherefore, Osage Valley Electric Cooperative moves for leave to file its Surrebuttal Testimony of Jon McClure which is being filed simultaneously herewith.

Respectfully Submitted,

**ANDERECK, EVANS, MILNE  
PEACE & JOHNSON**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 24<sup>th</sup> day of August, 2004, to the following parties:

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*Lisa Chase*  
Lisa Cole Chase