

**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	)	<b><u>Case No. EO-2005-0156</u></b>
Generation Units and Related Improvements to	)	
Be Installed and Operated in the City of Peculiar,	)	
Missouri	)	

**ORDER DIRECTING FILING**

Issue Date: June 28, 2005

Effective Date: June 28, 2005

On December 6, 2004, Aquila, Inc., asked for authority to sell and lease back three natural gas-fired combustion turbines. The Commission scheduled a hearing on Aquila's application for July 13 and 14.

On June 23, the Office of the Public Counsel filed a Motion to Suspend Procedural Schedule and Hearing and Request for Expedited Treatment. OPC stated that the Circuit Court of Cass County enjoined Aquila from building the generating station. Further, OPC stated that Aquila appealed the injunction, and that the Court of Appeals recently affirmed the circuit court.

In light of the Court of Appeals' opinion, OPC states that Aquila's application is moot, and asks that the Commission suspend the hearing. Also, OPC asks for expedited treatment, with a Commission ruling on the motion no later than July 8.

The Commission finds OPC's request for expedited treatment reasonable. The Commission will order the parties to respond to OPC's motion no later than June 29.

**IT IS THEREFORE ORDERED:**

1. That the parties shall respond to the Office of the Public Counsel's Motion to Suspend Procedural Schedule and Hearing and Request for Expedited Treatment no later than June 29, 2005.
2. That this order shall become effective on June 28, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Ronald D. Pridgin, Regulatory Law  
Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 28th day of June, 2005.