

**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: September 29, 2005

Effective Date: September 29, 2005

On December 6, 2004, Aquila, Inc., asked for authority to sell and lease back three natural gas-fired combustion turbines. Aquila, the Staff of the Commission, and the Office of the Public Counsel filed a Stipulation and Agreement. Cass County, Missouri, and the City of Peculiar are parties in this case. They did not sign the agreement, but also did not oppose it. The Commission held a hearing on September 21.

On September 22, OPC filed a Motion to Stay. OPC alleged that after the hearing, OPC discovered that Aquila had already completed many of the activities for which Aquila requested permission in its December 6 application. OPC stated that when it entered into the Stipulation and Agreement, it was unaware that Aquila had already sold and leased back the property in question, and entered into the bond financing agreement. OPC asks the Commission to stay this case pending further investigation.

On September 23, Staff filed its Response to Public Counsel's Motion to Stay. Staff agreed with OPC, and asked the Commission to temporarily suspend deliberations.

On September 28, Aquila responded. Aquila stated that it informed OPC in January, 2005, and Staff in March, 2005, that it had already sold and leased back the South Harper facility. Aquila does not object to OPC's motion to the extent that it asks for a brief stay only to determine whether the Chapter 100 financing is appropriate. Aquila asserts that the parties do not disagree as to the value of the turbines.

The Commission will order Aquila, Staff, and OPC to file pleadings explaining how they would like this case to proceed.

**IT IS THEREFORE ORDERED:**

1. That Aquila, Inc., the Staff of the Commission, and the Office of the Public Counsel shall file pleadings explaining how they would like this case to proceed no later than October 14, 2005.

2. That this order shall become effective on September 29, 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 29th day of September, 2005.