

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 7th
day of March, 2006.

In The Matter of the Application of Aquila, Inc.
for Specific Confirmation or, in the Alternative,
Issuance of a Certificate of Convenience and
Necessity Authorizing it to Construct, Install,
Own, Operate, Control, Manage, and Maintain
a Combustion Turbine Electric Generating
Station and Associated Electric Transmission
Substations in Unincorporated Areas of Cass
County, Missouri Near the Town of Peculiar.

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Case No. EA-2005-0248

ORDER TO VACATE PRIOR JUDGMENT

Issue Date: March 7, 2006

Effective Date: March 7, 2006

On February 28, 2006, the Circuit Court of Cass County issued a consent judgment in Case No. CV105558CC, an appeal of this case on writ of review filed by Cass County, Missouri. In that consent judgment the Court remanded this matter to the Commission "with instructions that it set aside and vacate its April 7, 2005 order in Case No. EA-2005-0248 without delay."

THEREFORE, the Commission's April 7, 2005 Order Clarifying Prior Certificates of Convenience and Necessity is, as of this date, vacated.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
Appling, CC., concur

Dale, Chief Regulatory Law Judge