

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
August, 2005.

In the Matter of the Application of Aquila, Inc., for)	
Authority to Acquire, Sell and Lease Back Three)	
Natural Gas-Fired Combustion Turbine Power)	<u>Case No. EO-2005-0156</u>
Generation Units and Related Improvements to be)	
Installed and Operated in the City of Peculiar,)	
Missouri)	

ORDER GRANTING MOTION FOR RECONSIDERATION

Issue Date: August 9, 2005

Effective Date: August 9, 2005

Syllabus: This order grants Aquila, Inc.'s Motion for Reconsideration.

On June 23, 2005, the Office of the Public Counsel filed a Motion to Suspend Procedural Schedule and Hearing and Request for Expedited Treatment. OPC asked the Commission to cancel the hearing set for July 13-14 because of a recent Court of Appeals' opinion.¹

That opinion affirmed a circuit court's injunction against Aquila, which prohibits Aquila from installing the combustion turbine units involved in this case. On July 7, the Commission granted OPC's motion.

Aquila filed its Motion for Reconsideration on July 13. In its motion, Aquila states that the Court of Appeals' opinion does not affect this case because this case is simply about the value of three turbines. Aquila reminded the Commission that the Cass County

¹ *StopAquila.Org, et.al. v. Aquila*, WD No. 64985 (slip op., June 21, 2005).

Circuit Court's injunction is stayed because Aquila posted a surety bond to cover potential damages Aquila may cause. No parties responded to Aquila's motion.

The Commission has reviewed Aquila's motion for reconsideration, finds it reasonable, and will grant it. The Commission finds that proceeding with this case, which is limited to determining the value of the turbines installed at Aquila's controversial South Harper location, does not conflict with Aquila's pending case at the Court of Appeals.

IT IS THEREFORE ORDERED:

1. That the Motion for Reconsideration filed by Aquila, Inc., is granted.
2. That this order shall become effective on August 9, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray and Appling, CC., concur
Gaw, C., dissents
Clayton, C., dissents, dissent to follow

Pridgin, Regulatory Law Judge