

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

In the matter of an investigation into the       )  
Status of Missouri's natural gas local       )  
Distribution companies' compliance with       )  
Commission Rule 4 CSR 240-40.018.       )

Case No. GW-2006-0110

**AQUILA'S RESPONSE TO PUBLIC COUNSEL'S  
REQUEST FOR A FORMAL INVESTIGATION**

**Comes now Aquila, Inc. ("Aquila")** by and through counsel and for this response respectfully state as follows:

1. On or about September 12, 2005, the Office of the Public Counsel ("Public Counsel") filed its Motion to Open a New Case for the purpose of "investigating the status of natural gas utilities' compliance with 4 CSR 240-40.018", and taking "evidence on the record concerning that compliance." The Commission has directed that responses or objections to Public Counsel's Motion be filed no later than noon on September 26, 2005.

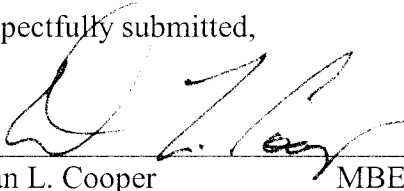
2. Aquila recognizes the importance for both the Public Counsel and Commission to review and understand Aquila's gas purchasing plans, particularly in view of the recent increase in natural gas prices. Aquila notes, however, that the Company has already provided information to the Commission regarding its gas purchasing plans, including responding to data requests, a teleconference held with Commission staff and the OPC, and a formal presentation to the Commission on September 22, 2005. Aquila urges the Commission to recognize that the efforts to respond to a formal inquiry will fall on the employees that are responsible for the implementation of these plans, distracting them from these important responsibilities. Finally, Aquila would point out that these plans are substantially complete at this time, only five weeks

before the start of winter. The opening of a formal docket at this juncture can have little, if any, beneficial impact on utilities' gas purchasing practices for the 2005-2006 winter.

3. Aquila believes that opening a case as Public Counsel requests will needlessly increase the formality, time and expense associated with providing the Commission with information on local distribution company gas price volatility mitigation efforts. Accordingly, Aquila respectfully opposes Public Counsel's request.

**Wherefore**, Aquila respectfully requests that the Commission consider this response.

Respectfully submitted,

  
\_\_\_\_\_  
Dean L. Cooper MBE#36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166  
(573) 635-3847 facsimile  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

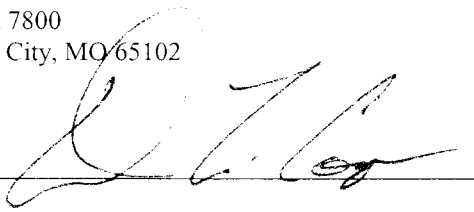
ATTORNEYS FOR AQUILA, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered this 26<sup>th</sup> day of September, 2005, to:

General Counsel's Office  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Mr. Lewis Mills  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

  
\_\_\_\_\_