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September 30, 2003

Mr. Dale Hardy Roberts Secretary/Chief Regulatory Law Judge Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102

Re: Case No. EO-2003-0566

Dear Mr. Roberts:

Provided herewith for filing on behalf of Aquila, Inc. d/b/a Aquila Networks - MPS, and Aquila Networks - L&P, please find in electronic format a Motion for Continuance.

A copy of this filing is being provided to all parties of record.

Please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By:

Dean L. Cooper

DLC/lar Attachment

cc: Dennis Frey/Steve Dottheim

John Coffman Mark Comley Karl Zobrist David Hennen Michael Rump Jim Swearengen Jim Fischer

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Aquila, Inc. d/b/a Aquila	)	
Networks - MPS and Aquila Networks - L&P's	)	Case No. EO-2003-0566
Application to Join the Midwest Independent	)	
Transmission System Operator, Inc.	)	

### MOTION FOR CONTINUANCE

COMES NOW Aquila, Inc., d/b/a Aquila Networks - MPS and Aquila Networks - L&P ("Aquila" or "Company") and, as its Motion for Continuance, states as follows to the Missouri Public Service Commission ("Commission"):

- 1. This case was initiated by Aquila's filing of an application for the Commission's approval to join the Midwest Independent Transmission System, Inc. ("MISO").
- 2. A prehearing conference was held on September 23, 2003, as directed by the Commission's Notice Rescheduling Prehearing. The Notice Rescheduling Prehearing also directed that a proposed procedural schedule be filed by September 30, 2003.
- 3. As was discussed at the prehearing conference, there are events currently transpiring in regard to the MISO that make it difficult to move forward with a procedural schedule in this matter. Most obviously, Commission Case No. EO-2003-0271, Union Electric Company d/b/a AmerenUE's ("AmerenUE") application to join the MISO through Grid America, remains pending.
- 4. The AmerenUE case has a very practical impact on Aquila. At this time, Aquila's only possible connection to the MISO is through AmerenUE. Thus, AmerenUE's membership, or nonmembership, and the timing of such a decision directly impacts Aquila's ability to join the MISO and turn over operational control of its transmission system to MISO.
  - 5. Additionally, the Federal Energy Regulatory Commission ("FERC") has recently

directed various utilities, including Ameren, to file certain information and to appear at an inquiry to be held on September 29, and 30, 2003. The FERC stated, in part, that interested parties may file testimony respecting (1) "impediments" to the named utilities joining regional transmission organizations and (2) solutions to those "impediments," including FERC actions "necessary to move the process forward to establish a joint and common market in the Midwest . . . region in an expeditious manner."

- 6. The uncertainty associated with AmerenUE's case before the Commission and the events at FERC make it difficult for this case to proceed in a meaningful way. Accordingly, Aquila hereby requests that the Commission continue this proceeding so that the parties to this case may have the benefit of the developments in the above referenced matters. Aquila further suggests that the Commission direct the parties to file a status report in thirty (30) days informing the Commission as to whether the parties believe it would be advisable to proceed at that time.
- 7. Counsel for the Commission Staff, the Office of the Public Counsel, The Empire District Electric Company, the City of Kansas City and Kansas City Power & Light have indicated to the undersigned that they have no objection to this motion.

WHEREFORE, Aguila respectfully requests the Commission issue its order continuing this

proceeding and directing the parties to file a status report by October 30, 2003.

Respectfully submitted,

Dean L. Cooper

**M**BE#36592

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ATTORNEYS FOR AQUILA, INC. D/B/A AQUILA NETWORKS - MPS AND AQUILA NETWORKS - L&P

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by U.S. Mail, postage prepaid, on September 3003, to the following:

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