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February 26, 2004

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED

FEB 26 2004

Re: Case No. ER-2004-0034

Missouri Public
Service Commission

Dear Judge Roberts:

Enclosed for filing in the above referenced matter please find the original and five copies of the Response of the City of Kansas City to the Commission's Questions Following Issuance of Preliminary Writ of Prohibition.

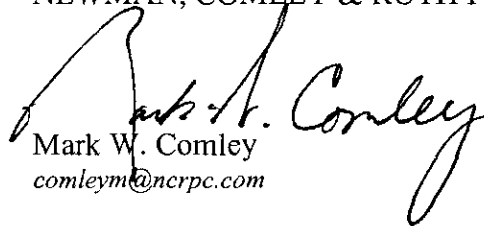
Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
William D. Geary
James C. Swearngen
Stuart W. Conrad
Shelley A. Woods
Craig Paulson

FILED

FEB 26 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of Aquila, Inc., d/b/a Aquila Networks)
L&P and Aquila Networks MPS Application to) Case No. ER-2004-0034
Implement a General Rate Increase in Electricity.)

In the Matter of the Request of Aquila, Inc., d/b/a)
Aquila Networks - L&P, to Implement a General) Case No. HR-2004-0024
Rate Increase in Steam Rates.)

RESPONSE OF THE CITY OF KANSAS CITY
TO THE COMMISSION'S QUESTIONS
FOLLOWING ISSUANCE OF PRELIMINARY WRIT OF PROHIBITION

During open proceedings conducted in this case on February 25, 2004, the regulatory law judge(s) posed a series of questions to the parties regarding the effect a recently issued preliminary writ of prohibition would have on the ongoing hearing and any report and order. The City of Kansas City (the City) has intervened in this case for purposes of a discrete issue respecting expansion of weatherization benefits to Aquila customers. Its responses to the Commission's questions will be likewise circumspect.

Question 1. What issues do not include St. Joseph Light and Power in this case?

The City submits that the proposal jointly advocated by the Missouri Department of Natural Resources and the City, although designed to encompass all of Aquila's operating area, can nonetheless be bisected so that consideration of the proposal will involve the Aquila Networks MPS division only. As set out in the written testimony, Missouri DNR and the City partner their resources to offer weatherization grants and benefits to qualified individuals in Clay, Platte and Jackson Counties, which are areas where the MPS division serves electric customers. The issue of implementing a weatherization program for low income and otherwise qualified Aquila customers

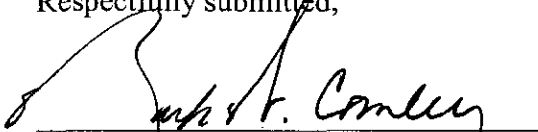
in at least Clay, Platte and Jackson Counties does not involve the SJLP division of the company and can be considered.

Question 3. Can and should the Commission consider the MPS portion of this case in light of the tariffs being filed together with the L&P portion.

It is the City's position that the Commission will not offend the terms and conditions of the preliminary writ by continuing its review and analysis of the MPS portion of this case. The Commission's public duties have not been enjoined by the writ with the exception of its duty as to an easily identified section of the case. The Commission still has a duty to examine and rule on the lawfulness and reasonableness of tariffs Aquila has filed, save those which the Circuit Court has preliminarily placed beyond Commission scrutiny. In all other aspects of the case untouched by the Circuit Court's decree, the Commission should resume hearing evidence and proceed to judgment.

The Commission posed three other questions but the City will defer to the parties who are most deeply affected by those questions rather than supply its own response.

Respectfully submitted,



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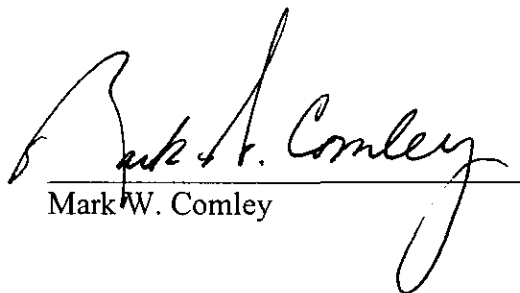
Attorneys for Intervener, City of Kansas City,
Missouri

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail on this 26th day of February, 2004, to General Counsel's Office at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us; James C. Swearngen at lrackers@brydonlaw.com; and Stuart Conrad at stucon@fcplaw.com. A true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, on this 26th day of February, 2004, to:

Shelley A. Woods
Mo. Attorney General's Office
P.O. Box 899
Jefferson City, MO 65102

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Federal Executive Agencies
139 Barnes Drive
Tyndall Air Force Base, FL 32403


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