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

| In the Matter of an Investigation into a | ) |                       |
|--|---|-----------------------|
| Pending Sale of Assets of Aquila, Inc.   | ) | Case No. EO-2004-0224 |

## NOTICE

COMES NOW Aquila, Inc. ("Aquila") in accordance with paragraph ordered two of the Commission's February 26, 2004 Report and Order and states as follows:

- 1. On February 26, 2004, the Commission issued its <u>Report and Order</u> denying Staff's Motion to Open Case.
- 2. In doing so, Aquila was directed to file a notice regarding which portions of the in-camera transcript may be made public.
- 3. Attached hereto is a tabulation of the information in the transcript that Aquila considers to be highly confidential under the terms of the Commission's November 18, 2003 Protective Order. All other materials other than those designated may be made available to the general public.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail or by hand delivery, on this 1<sup>st</sup> day of March 2004 to the following:

Mr. Steve Dottheim General Counsel's Office Missouri Public Service Commission 200 Madison Street, Suite 800 P.O. Box 360 Jefferson City, MO 65102-0360

Ms. Ruth O'Neill Public Counsel Office of the Public Counsel 200 Madison Street, Suite 650 P.O. Box 2230 Jefferson City, MO 65102

## AQUILA DESIGNATION OF "HIGHLY CONFIDENTIAL" PORTIONS OF THE FEBRUARY 24, 2003, TRANSCRIPT OF THE ON-THE-RECORD PRESENTATION IN COMMISSION CASE NO. EO-2004-0224

| Starting at                            | Ending at                                      | Topic                     |
|--|--|---------------------------|
| Page 22 Line 9 "although there's no"   | Page 22 Line 13 "that avenue,"                 | Lender remedies           |
| Page 22 Line 19<br>"There's no<br>way" | Page 22 Line 22<br>" potentials are<br>there," | Lender considerations     |
| Page 23 Line 7 "the bank"              | Page 23 Line 11                                | Bank remedies             |
| Page 23 Line 14<br>"There may be"      | Page 23 Line 17                                | Bank remedies             |
| Page 60 Line 12                        | Page 60 Line 18                                | Ownership structure       |
| Page 75 Line 3                         | Page 75 Line 9                                 | Resource plans            |
| Page 76 Line 25                        | Page 78 Line 24                                | Resource plans            |
| Page 79 Line 16                        | Page 80 Line 2                                 | Restructuring plan        |
| Page 80 Line 22                        | Page 82 Line 4                                 | Financial performance     |
| Page 83 Line 10                        | Page 85 Line 7                                 | Resource plans/objectives |
| Page 85 Line 10                        | Page 85 Line 10                                | Lender remedies           |
| Page 90 Line 4                         | Page 90 Line 8                                 | Siting plans/objectives   |
| Page 92 Line 23<br>"It was"            | Page 93 Line 1<br>"customers,"                 | Aries operation           |
| Page 93 Line 19                        | Page 97 Line 25                                | Resource plans/objectives |
| Page 98 Line 19<br>"He said"           | Page 102 Line 1                                | Payment to Calpine        |
| Page 102 Line 23                       | Page 102 Line 25                               | Payment of fee            |

| Starting at                               | Ending at                                 | Topic                           |
|---|---|---------------------------------|
| Page 109 Line 6<br>"Calpine, through<br>" | Page 110 Line 7                           | Information access              |
| Page 110 Line 11                          | Page 110 Line 13 "corporation directly."  | Information access              |
| Page 110 Line 11                          | Page 110 Line 13 " Corporation directly." | Information access              |
| Page 123 Line 6                           | Page 123 Line 14                          | Resource considerations/options |
| Page 128 Line 15                          | Page 128 Line 17                          | Resource considerations         |
| Page 131 Line 16                          | Page 131 Line 21                          | Business considerations         |
| Page 132 Line 2                           | Page 132 Line 3                           | Business considerations         |
| Page 132 Line 13                          | Page 132 Line 24                          | Business considerations         |
| Page 133 Line 11                          | Page 132 Line 15                          | Business considerations         |
| Page 137 Line 8                           | Page 137 Line 11                          | Business considerations         |